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COUNTRY OF ORIGIN INFORMATION REPORT

PAKISTAN

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COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of Document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), 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 10 March 2006.
- 1.02 The 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.
- 1.03 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.
- 1.04 The structure and format of the COI 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.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the 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. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this

Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS 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.
- 1.09 COI 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 COI 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 of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI 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 of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin 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 COI 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

2.01 Europa Regional Surveys of the World: South Asia 2005 noted 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)

2.02 Statistics quoted in Europa state 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 11,639 sq km (4,494 sq miles). [1] (p437)

(See also sub-sections on [Azad Kashmir](#) – including the [Line of Control](#) – and [‘Northern Areas’](#) in Section 6C)

2.03 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: 6.6 million in Balochistan [Baluchistan]; 17.7 million in North-West Frontier Province; 73.6 million in Punjab; and 30.4 million in Sindh. [1] (p437)

2.04 As noted in the Federal Research Division of the Library of Congress’ Country Profile on Pakistan, “Pakistan has seven cities with a population of 1 million or more: Karachi (9,339,023), Lahore (5,143,495), Faisalabad (2,008,861), Rawalpindi (1,409,768), Multan (1,197,384), Hyderabad (1,166,894), and Gujranwala (1,132,509). [46] (p1)

2.05 The Country Profile also stated that:

“Ethnic groups in Pakistan generally are categorized according to various combinations of religion, language, and sometimes tribe. Punjabis are the largest linguistic group (44.2 percent of the population) and often are divided into three occupational castes: Rajputs, Jats, and Arains. Pakhtuns (15.4 percent) are the dominant ethnic group in the North-West Frontier Province, but Pakhtuns belong to different tribes or kinship groups and have no central governing authority. Sindhis (14.1 percent) are dominant in Sindh and are divided into occupational and caste groupings. Balochis (3.6 percent) are dominant in Balochistan and are divided into various eastern and western tribes. Other ethnolinguistic groups include the Siraikis, who live mostly in Punjab; Urdu-speaking Muhajirs, refugees from India and their descendants who migrated to Pakistan during the 1947 partition and are concentrated in Sindh; and Brahuís, a Dravidian language group in Sindh and Balochistan.”

[46] (p8)

(See also [Annex B – Maps](#))

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LANGUAGES

- 2.06 The CIA World Factbook 2005 stated 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] (p7) As reported in the Ethnologue website, “The number of languages listed for Pakistan is 72. Of those, all are living languages.” [6] (p1)

For further information on geography, refer to Europa Regional Surveys of the World: South Asia 2005, source. [1]

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3. Economy

3.01 A Country Brief by The World Bank Group dated July 2005 stated that:

“In 2004/05, GDP grew by over eight percent. These macroeconomic achievements have allowed the country to achieve fiscal consolidation. Both external and internal balances have strengthened and reserves now cover five months of imports. Public debt has fallen to 60 percent of GDP from almost 90 percent in 2000/01. Social and poverty-related expenditures have been raised from 3.8 percent of GDP in 2001/02 to 4.7 percent of GDP in 2003/04. 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.

“There are now indications that these reforms have begun to pay off in the form of improved development outcomes. Based on the recently released Pakistan Social and Living Standards Measurement Survey (PSLSMS), literacy rates of population 10 years and older have increased to 53 percent as compared to 45 percent in 2001/02. While both female and male literacy, at 40 percent and 65 percent respectively have increased, the gender gap has not shown any significant reduction. However, despite these favorable developments, formidable challenges remain. Pakistan’s social indicators still lag behind countries with comparable per capita incomes.

“Poverty remains a serious concern in Pakistan. According to the rebased GDP numbers, the per capita income comes to US\$720; poverty rates, which had fallen substantially in the 1980s and early 1990s, started to rise again towards the end of the decade. Though complete data from the recent Integrated Household Survey is not yet available, it is evident that a large segment of the population lives in poverty. 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 24 percent in urban Sindh to 51 percent in rural Sindh.” [25] (p1-2)

3.02 The CIA World Factbook 2005 noted that Pakistan’s unit of currency is the Pakistani rupee (PKR). [34] (p15) Europa noted that “100 paisa = 1 Pakistani rupee.” [1] (p439) The Yahoo Currency Converter gives the exchange rate (as at 31 January 2006) as 105.93 PKR to the pound sterling (£) [17a], and 59.865 PKR to the US dollar (\$). [17b]

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4. History

INDEPENDENCE TO OCTOBER 1999 COUP

4.01 The publication 'Freedom House – Freedom in the World 2005' noted 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 decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan's pressing economic and social problems while undermining every institution capable of challenging him, including 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. However, when he attempted to reshuffle the army's leadership, he was deposed in October 1999 in a bloodless coup. Chief of Army Staff 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." [19] (p1-2)

GENERAL MUSHARRAF'S REGIME UP TO 2001

4.02 Europa Regional Surveys of the World: South Asia 2005 stated 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)

4.03 Europa further noted 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)

- 4.04 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) The ‘Freedom House – Freedom in the World 2005’ report noted “However, Musharraf was able to successfully neutralize Sharif and Bhutto, his primary political opponents, through a combination of court convictions and exile.” [19] (p2)

- 4.05 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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THE TALIBAN AND EVENTS FOLLOWING 11 SEPTEMBER 2001

- 4.06 A BBC news report on the Taliban (Taleban) in Afghanistan dated 04 October 2005 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...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.” [35a] (p1-2)

- 4.07 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 sub-section on [LoC](#) in Section 6C] in Kashmir to within Pakistan.” [1] (p410)

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MILITANT GROUPS IN 2002/2002 REFERENDUM

4.08 A report by the UNHCR 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-Shariat-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).” [20d] (p1)

(See also paragraph [4.15](#) for more groups banned in 2003 and Annex C for name changes)

4.09 Europa Regional Surveys of the World: South Asia 2005 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

- 4.10 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that:

"On 21 August 2002, President Musharraf promulgated the Legal Framework Order (LFO), which introduced 35 amendments to the 1973 Constitution giving him sweeping powers including the power to dissolve the National Assembly and to appoint Provincial Governors, Chairman of the Joint Chiefs of Staff and single service chiefs. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority. Under the LFO, all actions of the government between 12 October 1999 and 22 August 2002 would be validated upon reinstatement of the Constitution.

"The LFO also created a National Security Council (NSC) as a consultative forum.

"At the time of promulgating the LFO, Musharraf confirmed that he would remain as both President and Chief of Army Staff for the next five years."

[11b] (p3)

- 4.11 Europa Regional Surveys of the World: South Asia 2005 recorded that, in mid-2002, the PPP [Pakistan People's Party] 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)
- 4.12 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that "On 10 October 2002 national and provincial elections were held. No single party won an overall majority. The PML (Q) won the most seats (121), followed by the MMA (60) and the PPPP (59). The total number of seats in the National Assembly is 342 (including 60 reserved seats for women and 10 for minorities)." [11b] (p2)
- 4.13 Europa 2005 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 per cent) 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)
- 4.14 Europa 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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MILITANT ISLAMISTS/LINE OF CONTROL (2003)

- 4.15 Keesing's Record of World Events reported in December 2003 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 [4.08](#) for groups banned in 2002 and [Annex C](#) for name changes)

- 4.16 Keesing’s also recorded that “A ceasefire came into effect at midnight on Nov. 25-26 [2003] 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 25 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)

- 4.17 The Foreign and Commonwealth Office’s Country Profile on Pakistan, reviewed on 22 April 2005, reported that:

“The LFO [Legal Framework Order] met with bitter resistance from the opposition, particularly the alliance of religious parties, the MMA (Muttahida Majlis-e-Amal), producing a constitutional impasse which effectively gridlocked Parliament for over a year. Finally, in December 2003 after more than a year of wrangling, the government came to an agreement with the MMA and obtained the necessary two thirds majority to pass the 17th Constitutional Amendment Bill. Under the deal, the government withdrew some of the more sensitive proposals contained in the LFO and President Musharraf agreed to seek a vote of confidence from the electoral college, to consult the prime minister on the appointment of armed forces chiefs, and to step down as Chief of Army Staff by December 2004. However, following the passing of legislation which allowed the President to hold both offices until 2007, President Musharraf announced to the nation in December 2004 that he would retain both roles.” [11b] (p3)

- 4.18 Keesing’s Record of World Events recorded in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. Musharraf escaped injury, declaring the attackers as “extremists”. Keesing’s reported that:

“Officials on Dec. 28 [2003] identified one of the suicide bombers [from the second attack] as a member of the banned Islamic extremist group Jaish-e-Mohammed (JeM) [see p.45693 [of Keesing’s]], one of the most prominent

militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir [for Musharraf concession on Kashmir see pp.45738-39 [of Keesing's]]...Information Minister Sheikh Rashid Ahmad said that the attack was carried out "by an international terrorist network, which has its tentacles from Kashmir to Afghanistan", an apparent reference to al-Qaida." [24c] (p45737)

- 4.19 Keesing's 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

- 4.20 Keesing's Record of World Events for January 2004 reported that:
- "President Musharraf on Jan. 1 [2004] won confidence votes in the National Assembly, the Senate (the bicameral federal legislature) and the four provincial assemblies of Baluchistan [Balochistan], North-West Frontier Province, Punjab, and Sind, further strengthening his hand following the National Assembly's approval on Dec. 29, 2003, of the Legal Framework Order (LFO), Musharraf's package on constitutional amendments." [24a] (p45786)
- 4.21 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)
- 4.22 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that "As agreed with the MMA [Mutahida Majlis-i-Amal], the National Security Council was approved by Parliament on 14 April [2004]...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." [11b] (p3)
- 4.23 The BBC's 'Timeline' for Pakistan, accessed 02 February 2006, noted that Pakistan was readmitted to the Commonwealth in May 2004. [35b] (p5)
- 4.24 Amnesty International's 2005 Annual Report on Pakistan noted that "Relations between Pakistan and India improved during 2004. In June, a moratorium on nuclear tests was agreed and, in September, talks began on several issues including that of Jammu and Kashmir." [4a] (p1)
- 4.25 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, recorded that "In June 2004 Mir Zafarullah Jamali resigned as Prime Minister and on 30 June 2004 Chaudry Shujaat Hussein was sworn in as caretaker Prime Minister. He resigned in August 2004 to make way for Shaukat Aziz who had won two by-elections for a seat in the National Assembly. On 28 August 2004 Shaukat Aziz was elected as Prime Minister and named his new

cabinet on 1 September 2004.” [11b] (p3)

4.26 A 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 Taleban 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 Taleban 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.” [35d]

4.27 Amnesty International’s 2005 Report on Pakistan noted that:

“In October [2004], the JJSO [Juvenile Justice System Ordinance] was extended to the Provincially Administered Tribal Areas. It still did not apply in the Federally Administered Tribal Areas (FATA) which are governed by the Frontier Crimes Regulation (FCR) of 1901...In December, the JJSO was revoked by the Lahore High Court which considered the law “unconstitutional” and “impractical”. Juvenile courts set up under the JJSO were to be abolished and cases pending before it transferred to the regular courts. As a result juveniles could once again be sentenced to death.” [4a] (p3)

4.28 The same Report also stated that “In November a law was passed allowing General Musharraf to remain president and chief of the army, contrary to his earlier promise that the two roles would be separated.” [4a] (p1)

4.29 The Foreign and Commonwealth Office’s Country Profile on Pakistan, reviewed on 22 April 2005, noted that:

“Since the election of a new Congress-led Indian government in May 2004, India and Pakistan have engaged in talks on a range of issues including Kashmir. The talks have been structured around eight baskets of issues: peace and security, Jammu and Kashmir Wular Barrage/Tulbul Navigation Project, Siachen glacier, Sir Creek, economic and commercial co-operation, Terrorism and drugs, and promotion of friendly exchanges. During the latest talks in December 2004, both countries committed to continue the composite dialogue with a further round of talks in 2005.” [11b] (p5)

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POLITICAL EVENTS AND TERRORISM IN 2005

4.30 The Human Rights Watch World Report 2006 recorded that:

“During the summer of 2005, Musharraf presided over a three-phase local government election marked by brazen intimidation, coercion, and pre-poll rigging. Some forty people died in election-related violence, making this the most violent electoral exercise in Pakistan’s recent history. During the campaign, many opposition candidates faced violence and intimidation at the hands of the police and civil administration. Independent observers reported numerous instances of kidnapping, mistreatment, and arbitrary detention of opposition supporters, as well as pre-election and election day irregularities.” [13a] (p3)

4.31 A briefing by the International Crisis Group dated 22 November 2005 stated that:

“Pakistan’s military government rigged local elections in August and October 2005 to weaken further the mainstream opposition parties and lay the ground for its supporters to dominate forthcoming parliamentary elections. The elections were marred by serious violence, which may well become worse in future polls as ethnic, religious and regional rivalries are stirred up... The government manipulation of the local polls involved gerrymandering of districts to break up support for political opponents of the military; reshuffling of officials to ensure those favourable to the military controlled elections in key areas; rejecting the nominations of opposition candidates; giving direct support to certain candidates in what was supposed to be a non-party election; and direct rigging at the polls, including ballot stuffing, intimidation and seizure of voting stations.” [38]

SOUTH ASIA EARTHQUAKE 08 OCTOBER 2005

4.32 Travel Advice issued by the Foreign and Commonwealth Office and updated on 31 January 2006 reported that:

“On 8 October 2005, a catastrophic earthquake with its epicentre near Muzaffarabad in Pakistani-administered Kashmir, caused widespread damage and loss of life. Infrastructure and services in northern Pakistani-administered Kashmir and surrounding areas have been severely disrupted. The main devastation is in the towns of Muzaffarabad, Rawalakot, Bagh, Balakot and Mansehra.

“There are intensive relief operations underway.” [11a]

4.33 On 16 November 2005, the BBC noted that:

“India and Pakistan have opened a fifth point on the Line of Control dividing Kashmir to ease the flow of aid to survivors of last month’s earthquake. Relief material was exchanged at the point between Hajipur and Uri, but civilians were

not allowed to cross. There has been disappointment that red tape has so far delayed civilian crossings, a key feature of the deal...The agreement to partially open Kashmir's de facto border was struck at the end of last month. It was intended to allow Kashmiris divided by years of conflict to help each other following the quake. India is said to be concerned that Muslim militants could try to infiltrate into territory it controls under the guise of meeting family members. Both sides have blamed each other for the hold-ups." [35k]

MADRASSAS – EXPULSION OF FOREIGN STUDENTS AND REGISTRATION

4.34 On 28 December 2005, the BBC reported that:

Pakistan's religious schools have refused to meet a 31 December deadline set by the president for the expulsion of foreign students. The governing body of 12,000 madrassas [the Ittehad-e-Tanzeemaul Madaris] said the order was 'illegal, discriminatory and un-Islamic'. President Pervez Musharraf ordered the expulsion in July after at least one of the London suicide bombers was shown to have visited a Pakistani madrassa... About 700 foreign students have left since President Musharraf announced his decree, leaving about another 700 still in the religious schools, the madrassa body says. However, Interior Minister Aftab Sherpao told the BBC about 65% of foreign students had so far been deported...Mr Sherpao said the government might have to push back the deadline by a few days but it was determined to enact the decree...The president's announcement in July came amid Western pressure over the bombings on 7 July in London...The president also announced at the time that all madrassas had to register with the government by the end of December. However, that deadline has now been given an unspecified extension, with only 5,000 of the 12,000 madrassas having so far registered." [35g]

POLITICAL EVENTS AND TERRORISM IN 2006

4.35 On 12 February 2006, the BBC stated that:

"Two Pakistani nomad women have been killed after a rocket fired across the border from Afghanistan landed on their tent, Pakistani officials say. Four children were hurt in the attack late on Saturday in North Waziristan. Locals say US-led coalition forces in Afghanistan fired four rockets into Pakistan's tribal area after coming under fire from unknown attackers. A US spokesman confirmed coalition forces had returned fire into Pakistan, but was not aware of casualties. The incident is the third this year in which civilians have been killed inside Pakistani territory in apparent missile strikes by US-led forces who are hunting al-Qaeda and Taliban suspects in the mountainous border area. Pakistan complained twice in January to US-led forces after two strikes within a week left at least 26 people dead in North Waziristan and in the Bajaur tribal area. Pakistan's President Pervez Musharraf said on Saturday that 'a close relative' of al-Qaeda number two Ayman al-Zawahiri had been killed in the second of those attacks. But a number of local villagers also died and there were protests against the US in Pakistan. In the latest rocket attack, officials say US-led coalition forces fired rockets from the Shankai checkpoint in the Afghan province of Khost...US military spokesman Mike Cody said that a security post on the border in Khost had been attacked from the Pakistani side on Saturday afternoon. 'The coalition forces identified this as coming from the border and co-ordinated with the Pakistan military and fired artillery rounds at

the point of origin,' he told AFP in Kabul. The US has about 20,000 troops in Afghanistan, but Pakistan does not officially allow them to operate across the border." [35f]

4.36 The BBC noted on 06 March 2006 that:

"Fierce clashes between Pakistani security forces and tribal militants in the first week of March in Pakistan's north-western region have led to dozens of casualties on both sides. Security forces fought their fiercest battles to date in the North Waziristan area on 5 March after tribal militants took control of key government buildings including telephone exchanges. Presidential spokesman Maj Gen Shaukat Sultan said on 5 March that the militants had been flushed out from government buildings and the area was under complete control of the security forces. His claims are hotly contested by locals and independent analysts who say the situation is anything but in control. They describe the situation as the worst since the Pakistan army moved three years ago into the area, where many of the tribal militants call themselves Taleban." [35n]

4.37 On 05 March 2006 the BBC reported that:

"Tens of thousands of protesters in the southern Pakistani city of Karachi have held a peaceful march against cartoons satirising the Prophet Muhammad. Some shouted 'Death to Denmark', where the cartoons were first published. There was also condemnation of US President George W Bush's visit to Pakistan and his war on terror, backed by Pakistan's President Musharraf. The protest was peaceful, in contrast to earlier rallies over the past month, which have left at least five dead. A nationwide strike in protest against the cartoons brought parts of Pakistan to a standstill on Friday, shortly before Mr Bush's arrival in the country...As well as burning effigies of the Danish prime minister and the US president, the crowds in Karachi shouted 'Death to America' and 'Death to Musharraf'. The cartoon issue has become another rallying point for Islamic parties opposed to Pakistan's co-operation with the United States in its war on terrorism. 'Bush should know that his puppet Musharraf has become unpopular,' said Liaquat Baluch, one of the leaders of the Islamist alliance which organised the rally. 'The force that has gathered for the protection of the prophet's honour, will be used to topple this undemocratic regime, which is serving American interests,' said another of the organisers, Maulana Fazlur Rahman." [35u]

For history prior to 1999, refer to Europa Regional Surveys of the World: South Asia 2005. [1]

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5, State structures

THE CONSTITUTION

OVERVIEW

- 5.01 Europa Regional Surveys of the World: South Asia 2005 noted that:

“The Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions...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...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)

- 5.02 The Foreign and Commonwealth Office’s Country Profile on Pakistan, reviewed on 22 April 2005, recorded that:

“On 21 August 2002, President Musharraf promulgated the Legal Framework Order (LFO), which introduced 35 amendments to the 1973 Constitution giving him sweeping powers including the power to dissolve the National Assembly and to appoint Provincial Governors, Chairman of the Joint Chiefs of Staff and single service chiefs. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority. Under the LFO, all actions of the government between 12 October 1999 and 22 August 2002 would be validated upon reinstatement of the Constitution.

“The LFO also created a National Security Council (NSC) as a consultative forum.” [11b] (p3)

- 5.03 The Legal Framework Order 2002 – LFO – stipulated that the validity of any provisions or Orders should not be called into question in any court on any ground whatsoever. [14c] (p2) The provisions of the LFO could override the Constitution or any other Order or law for the time being in force. [14c] (p2)
- 5.04 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)

(See also [Section 4, History](#), paragraphs 4.1, 4.12, 4.21 and 4.36)

CITIZENSHIP AND NATIONALITY (INCLUDING FRAUDULENT DOCUMENTS)

- 5.05 Information issued by the Pakistani government (last updated on 01 February 2006) advises that Pakistan citizenship can be acquired in specified circumstances; these include foreign ladies married to Pakistani nationals, and the “Minor children (below 21 years of age) of Pak [sic] 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 stated 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." 11a] (p3) Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. [29b] (p3)

- 5.06 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" [20b] (p1)

- 5.07 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)

- 5.08 The same report stated that:

"The Information Centre on Asylum and Migration of the German Federal Office for the Recognition of Foreign Refugees indicated that:

[i]n nearly all cases, the documents presented [by asylum seekers] for proof of persecution (reports under the penal code, warrants for arrest, court judgments, lawyers' correspondence) were falsified or of incorrect content.

In Pakistan, it is not...difficult to have a (simulated) criminal proceeding initiated against oneself, in order to get authentic documents (e.g. a 'First Information Report' or a decision to set the accused free until the date of the trial)...

It is possible...either [to] pay for or to use private contacts to have a newspaper article published depicting a situation of persecution (30 Mar. 2004)." [12a] (p6)

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POLITICAL SYSTEM

INTRODUCTION

- 5.09 Europa Regional Surveys of the World: South Asia 2005 stated 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. He must be a Muslim. The President may be impeached for violating the Constitution or gross misconduct." [1] (p443)

(BUT see History Section re October 1999 coup, Constitutional amendments and 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. [27a] 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 [27a] (p4-5) The Order gives the criteria for eligibility to obtain an election symbol. [27a] (p5-6) The Election Commission also issued a statement of registered political parties and their symbols. [40b] (Refer to source [40b] directly for details).
- 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 stated 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 noted 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 members who serve for six years, with one-third retiring every two years [BUT see 5.14, below]. 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. [20b] (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 2005, updated on 10 January 2006, stated 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] (p8)

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 endemic corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court’s reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. An International Crisis Group (ICG) report released in November [2004] drew attention to the fact that the executive has extended its influence over the judiciary by using the appointments system to remove independent judges, fill key positions with political allies, and reward those who issue judgements

favorable to the government.” [19] (p5-6)

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. In 2003, the provincial assembly in the North-West Frontier Province passed a bill that declared Sharia the supreme law of the province and empowered the government to Islamize the economy, the legal system and education.

The Federally Administered Tribal Areas (FATA) are under a separate legal system, the Frontier Crimes Regulation, which authorizes tribal leaders to administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called *jirgas*. A 2002 Amnesty International report raised concerns that the *jirgas* abuse a range of human rights and are particularly discriminatory toward women. In April [2004] the Sindh High Court issued a ruling that banned all trials conducted under the *jirga* system in the province.” [19] (6)

5.18 A report by the Human Rights Commission of Pakistan, ‘State of Human Rights in 2005’, issued February 2006, reported that:

“Appointments on the Supreme Court [SC] were made twice during the period under review and many eye-brows were raised on each occasion. In the first instance, Chief Justices [CJ] of high courts were elevated to the apex court, except for the CJ of the LHC [Lahore High Court]. Instead, two LHC senior judges were sent to the SC. On the second occasion too, the LHC CJ was not disturbed. Nor was the SHC CJ elevated to the SC. The reasons for not shifting the two CJs were said to be different. The lawyers protested against what they believed was an encroachment on the judiciary’s independence. The second batch of SC appointees included two judges who were appointed on ad-hoc basis. The practice of not confirming all additional judges of high courts continued..” [27d] (p30)

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LEGAL RIGHTS/DETENTION

COURT SYSTEM

- 5.19 Information issued by the Pakistani government (accessed on 06 February 2006) stated 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.” [29c] (p1)

- 5.20 This government source also reported that:

“The Supreme Court has original, appellate and advisory 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).” [29c] (p1-3)

- 5.21 The government source further noted 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...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...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.” [29c] (p3)

5.22 The government source additionally noted 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.” [29c] (p4)

5.23 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

“Under both the Hudood and standard criminal codes, there were bailable and non-bailable offenses. 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. Human rights NGOs estimated that 45 to 50 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, 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 2005 (USSD 2005), published on 08 March 2006, noted 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 The USSD 2005 Report stated that “Antiterrorist courts do not grant bail if the court has reasonable grounds to believe that the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges.” [2b] (section 1d)

- 5.26 An article in *The News International* dated 11 January 2004 reported that:

“Making the anti-terrorism law stringent, the cabinet on Saturday [10 January 2004] declared financing of terrorism a non-bailable offence, with minimum four and maximum ten years jail terms. The cabinet meeting, chaired by Prime Minister Zafarullah Jamali, approved amendments to the Anti-Terrorism Act, 1997 in the light of UN Security Council resolutions.

“Any individual or entity, involved in financing of terrorism shall be punished with rigorous imprisonment for a term of four to ten years in place of the original punishment of six months to five years as provided in Section 11 (N) of the act,” Information Minister Shaikh Rashid Ahmed told reporters after the cabinet meeting.

“Rashid said, ‘Financing of terrorism shall be a non-bailable offence and all societies and other institutions which have a potential to act as conduits for such financing shall be obliged to establish bank accounts and maintain information about their employees, clients, failing which they will face fine and revocation of licence.’” [44] (p1)

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FEDERALLY ADMINISTERED TRIBAL AREAS

- 5.27 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted 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. 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 Human Rights Watch’s World Report 2006 noted that:

“Military operations are ongoing in South Waziristan, adjacent to the Afghan border, and previously noted problems persist, including collective punishment, extrajudicial executions, arbitrary detentions, and limited access to prisoners. [13a] (p3)

TRIBAL JUSTICE SYSTEM

- 5.29 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, reported that:

“Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs – either real or perceived – to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence...” [2b] (section 1e)

- 5.30 The Human Rights Commission of Pakistan’s report, ‘State of Human Rights in 2005’, issued February 2006, stated that:

“Elected representatives, politicians in power, administrators, clerics, and other influential elements in society continued to promote the jirga system, especially in the Frontier and Sindh provinces. In the former territory the function of the jirga was expanded to cover political and economic matters of concern to the provincial authority and in the latter the High Court ruling that the jirga system was illegal was flagrantly violated by the custodians of power themselves. In

both provinces the increased reliance on the jirga revealed important societal elements' growing alienation not only from the justice system but also from other components of the state apparatus..." [27d] (p58)

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SHARIA LAW

5.31 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 [Jamat-e-Ulema-e-Islam] claimed that the new law's provisions were not stringent enough." [1] (p395)

5.32 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

"The Supreme Court's March 14 [2005] ruling in the Mukhtiar Bibi gang rape case refined appellate proceedings in Hudood cases. The law terms the Federal Shariat Court the court of first appeal in all Hudood cases that result in a sentence of more than two years. The Supreme Court, however, determined that in cases where a provincial high court decides to hear an appeal in a Hudood case, even in error, the Federal Shariat Court lacks authority to review the provincial high court's decision. The *Shari'a* bench of the Supreme Court is the final court of appeal for federal shariat court cases. The March 14 ruling, however, allows the full Supreme Court to bypass the *Shari'a* bench and assume jurisdiction in such appellate cases in its own right. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenants, but such cases are appealed to the *Shari'a* bench of the Supreme Court and under the new rules may ultimately be finally heard by the full Supreme Court." [2b] (section 1e)

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HUDOOD ORDINANCES

5.33 A Human Rights Commission of Pakistan publication (accessed 06 February 2006) 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)

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- 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” [27b] (p1)
- 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.” [19] (p6)
- 5.35 The US State Department Report 2005 (USSD 2005), published on 08 March 2006 noted that:
- “The Hudood Ordinances provide for harsh Koranic [Hadd] punishments for violations of *Shari’a* (Islamic law), including death by stoning and amputation. Authorities did not use such punishments during the year, as they require a high standard of evidence. [2b] (section 1c) ...At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape..., 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...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)
- 5.36 The USSD 2005 Report also recorded that:
- “The government’s National Commission on the Status of Women advocated the repeal of the Hudood Ordinances. On January 4 [2005], President Musharraf signed a bill into law 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. The percentage of the female prison population awaiting trial on such Hudood charges declined significantly to approximately 33 percent.” [2b] (section 5)

(See also Section 6.B, sub-section on [Honour killings](#))

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QISAS AND DIYAT ORDINANCES

- 5.37 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." [2c] (section II)

- 5.38 The US State Department Report 2005 (USSD Report), published on 08 March 2006, recorded that "The law 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 the North West Frontier Province (NWFP), and in honor cases in Sindh, *qisas* have never been used." [2b] (section 1e)

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

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BLASPHEMY LAWS

- 5.39 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." [2c] (section II)

- 5.40 The US State Department Report on International Religious Freedom 2005, published on 08 November 2005, noted that:

"Under the country's 'blasphemy laws,' any speech or action that denigrates Islam or its prophets is punishable by death. In addition, any speech or conduct that injures another's religious feelings is prohibited and punishable by imprisonment. These laws were rarely enforced, and the cases rarely brought to the legal system, when the injury was to a member of a minority religious community. Pressure from societal, religious, or political leaders routinely prevented courts from protecting minority rights. These same pressures forced

justices to take strong action against any perceived offense to Sunni Islamic orthodoxy. Discrimination against religious minorities was rarely placed before the judiciary. Courts would be unlikely to act objectively in such cases. 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. Bail in blasphemy cases is almost always denied by original trial courts on the logic that since defendants are facing the death penalty, they are likely to flee. Defendants can appeal the denial of bail (and many do), but bail is rarely granted by the High Court or the Supreme Court in advance of the trial.” [2a] (section II)

- 5.41 The US State Department Report 2005 (USSD Report), published on 08 March 2006, 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 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 January 4 [2005], President Musharraf signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. During the year there were 3 persons convicted and 5 acquitted under the blasphemy laws and another 67 ongoing cases.” [2b] (section 2c)

- 5.42 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 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.” [19] (p5)

- 5.43 The US State Department Report on International Religious Freedom 2005, published on 08 November 2005, noted that:

“To end the filing of frivolous charges, the Government enacted a law in January 2005 that requires senior police officials to investigate any blasphemy charges before a complaint is filed. Human rights organizations had called for such changes since 2000. Initial indications on the law’s impact were positive. Between January 1 and June 30, 2005, 17 blasphemy cases were registered. By contrast, during the last 6 months of 2004, a total of 37 cases were registered—15 against Muslims, 21 against Ahmadis, and 1 against a Christian—and only 9 cases since the revised legislation passed the National Assembly in October 2004. However, there were 54 blasphemy cases filed during the entire reporting period, 11 more than during the previous period. According to figures compiled by the National Commission for Justice and Peace, between 1986 and 2004, 634 people were accused of blasphemy: 309 Muslims, 236 Ahmadis, 81 Christians, and 8 Hindus.” [2a] (section II)

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NATIONAL ACCOUNTABILITY BUREAU (NAB)

- 5.44 A 2005 Freedom House report on Pakistan stated that “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.” [19] (p6)
- 5.45 The Homepage of NAB’s website, accessed on 07 January 2006, stated that:
- “The National Accountability Bureau is Pakistan's apex anti-corruption organization. It is charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement. It operates under the National Accountability Ordinance-1999, with its headquarter at Islamabad. it has four regional offices in the provincial capitals and one at Rawalpindi. It takes cognizance of all offences falling within the National Accountability Ordinance (NAO).” [26] (p1)
- 5.46 A NAB organisational chart, displayed on their Homepage and accessed on 07 February 2006, showed that the NAB operate in Punjab, Sindh, the North West Frontier Province, Baluchistan [Balochistan] and Rawalpindi, and has a Prosecution Wing (PGA Wing), an Investigation Monitoring Wing (IM Wing), a Financial Crime Investigation Wing (FCI Wing), an Overseas Operations Cell (OS Cell) and an Administration Wing. [26]
- 5.47 The US State Department Report 2005 (USSD 2005), published on 08 March 2006 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 2005 Report]), 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 pursued independently of an individual’s political affiliation, opposition politicians were more likely to be prosecuted (see Section 1.d. [in USSD 2005 Report]). The NAB prosecuted no serving members of the military or judiciary.” [2b] (section 1e)

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ARBITRARY ARREST

- 5.48 The US State Department Report 2005 (USSD 2005), published on 08 March 2006 stated that:

“The law prohibits arbitrary arrest and detention; however, 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 were held in preventive detention for up to 6 months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held in preventive detention indefinitely. 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...” [2b] (section 1d)

5.49 The USSD 2005 Report also noted that:

“A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided complainants offer reasonable proof that a crime was 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... 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 were sexually abused...Police also detained relatives of wanted criminals to compel suspects to surrender...” [2b] (section 1d)

5.50 Amnesty International’s 2005 Annual Report on Pakistan, covering the year 2004, noted that:

“The Anti Terrorism Act (ATA) was amended in October [2004] to provide life imprisonment for supporters of “terrorists” and to allow police to seize the passports of “terrorist” suspects. In April [2004], the Supreme Court ruled that those convicted of “terrorism” could not benefit from provisions under the law relating to murder, which allow the heirs of the victims to forgive the offender at any stage, thereby ending criminal proceedings.

“Scores of people were arrested during demonstrations or for allegedly belonging to banned organizations. Most were released after several hours but some were held for prolonged periods in arbitrary and incommunicado detention. Some remained “disappeared” for longer periods despite families’ efforts to trace them through the courts.” [4a] (p1)

Furthermore, the Human Rights Watch World Report 2006 on Pakistan dated January 2006 recorded that “The government continued to use the National Accountability Bureau and a host of anti-corruption and sedition laws to jail or threaten political opponents.” [13a] (p3),

5.51 Lahore High Court’s Instructions to Criminal Courts, accessed 22 July 2005,

state that it is mandatory to maintain a Daily Station Diary of investigations made under Chapter XIV of the Code of Criminal Procedure. [29d] (p3)

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DEATH PENALTY

- 5.52 The US State Department International Religious Freedom Report 2005, published on 08 November 2005, reported that "Under the country's 'blasphemy laws,' any speech or action that denigrates Islam or its prophets is punishable by death." [2a] (section II) The US State Department International International Religious Freedom Report 2004, published on 15 September 2004, noted that:

"In 1986 another amendment [to the Penal Code] 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." [2c] (section II)

- 5.53 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 Provincially Administered Tribal Areas (PATA). Federally Administered Tribal Areas (FATA), the Northern Areas and Azad Jammu and Kashmir remained outside its ambit." [4c] (p1)

- 5.54 A June 2005 publication by Amnesty International, 'Death Penalty News', stated that "Appeals against the revocation by the Lahore High Court in December 2004 of the Juvenile Justice System Ordinance, which banned the execution of

child offenders, (see DP News December 2004) are currently pending in the Supreme Court of Pakistan. The revocation has been stayed until the Supreme Court reaches a decision.” [4b] (p5)

- 5.55 Amnesty International’s Annual Report 2005, covering events between January – December 2004, noted that “At least 394 people were sentenced to death and 15 were executed.” [4a] (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

- 5.56 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“Police have primary internal security responsibilities. Under the Police Order (Second Amendment) Ordinance promulgated on July 23 [2005], control of the police falls under elected local district chief executives known as nazims...Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officer, district nazim, provincial interior or chief ministers, federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution. Police failed in some instances to protect members of religious minorities – particularly Christians, Ahmadis, and Shi’as – from societal attacks...” [2b] (section 1d)

- 5.57 The USSD 2005 Report also reported that:

“Corruption within the police was rampant. 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 avenge their personal grievances. Corruption was most prominent amongst station house officers (SHO), some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

“The government initiated regular training and retraining of police at all levels, both in technical skills and human rights. President Musharraf reissued and amended the 2002 Police Order on July 23 [2005], which transfers oversight responsibility of police from provinces to districts and establishes the district-level chief executive as principal supervisor. The order also calls for the

immediate establishment of local oversight bodies that have been stalled since 2002. The government argued that these reforms would make police more responsive to the local community. Opponents charged that they would politicize the police force.” [2b] (section 1d)

(See also Section 6.A, sub-section on [Police](#) and Section 5, sub-section on [Arbitrary arrest](#))

ARMY

5. 58 The publication ‘Freedom House – Freedom in the World 2005’ reported that:

“Over the past five years, military officers have assumed an increasing role in governance through ‘army monitoring teams’ that oversee the functioning of many civilian administrative departments. The army now has a stake in continuing to influence both commercial and political decision-making processes, as well as maintaining its traditional dominance over foreign policy and security issues. Serving and retired officers receive top public sector jobs in ministries, state-run corporations, and universities, as well as being given a range of other privileges.” [19] (p4)

5.59 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that “Paramilitary forces such as the Rangers, the Frontier Corps and the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control the paramilitary forces when they assist in law and order operations. During some religious holidays, the government deployed the regular army in sensitive areas to help maintain public order.” [2b] (section 1d)

5.60 The USSD 2005 Report also noted that “Continued clashes between security forces and terrorists in the Federally Administered Tribal Areas (FATA) resulted in nine civilian deaths during the year.” [2b] (section 1a)

INTER-SERVICES INTELLIGENCE (ISI)

5.61 A 2005 entry on website ‘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 the nation of Pakistan. The ISI provided most of the operational and organizational leadership during the U.S - funded insurgency in Afghanistan against the USSR. It was also critical in supporting the Taliban in Afghanistan. India accuses the ISI of supporting rebels in the separatist Kashmir region, but Pakistan maintains that the ethnic instability in India is playing out in Kashmir by indigenous freedom fighters.

“The ISI was founded in 1948 to serve as the Intelligence Bureau for Pakistan. A British army officer, Maj Gen R Cawthome, then Deputy Chief of Staff in the Pakistan Army, created it. Field Marshal Ayub Khan, the president of Pakistan in the 1950s, expanded the role of ISI in safeguarding Pakistan’s interests, monitoring opposition politicians, and sustaining military rule in Pakistan.

“The ISI is tasked with collection of foreign and domestic intelligence; co-ordination of intelligence functions of the three military services; surveillance over its cadre, foreigners, the media, politically active segments of Pakistani

society, diplomats of other countries accredited to Pakistan and Pakistani diplomats serving outside the country; the interception and monitoring of communications; and the conduct of covert offensive operations.” [39] (p1)

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PRISONS AND PRISON CONDITIONS

- 5.62 The website, ‘Foreign Prisoners Support Service’, last updated on 24 June 2004, reported that:

“Under the 1962 West Pakistan Jail Warden Service Rules, prisons are managed by a career prison service, which sets qualifications for wardens, but these guidelines are reportedly not well observed. The service is organized by province under an inspector general of prisons. At division level, the senior official is the director of prisons, and there are jail superintendents at district and municipal levels. Simple lockups are maintained in some villages. There are some female wardens to handle female prisoners, but more are needed.

“Prisons are not salubrious places. The common criminal from a poor background is assigned to Class C confinement, with virtually no amenities. Abuse is common. Prisoners of higher social status are assigned to Class B prisons, where conditions are better, and they can procure better food and some amenities from their own pocket. Class A prisons are for ‘prominent’ offenders. Conjugal visits are not the rule but are allowed in some cases.

“Juveniles are handled separately in both the court system and in confinement. The criminal code prescribes special courts for offenders under age fifteen unless they are charged with a particularly serious offense and a high court orders that they be tried before a regular sessions court. There are juvenile wards in regular jails for offenders up to age twenty-one. In addition, a few reform institutions for boys between eleven and twenty years of age attempt to rehabilitate young offenders.

“The Pakistan Prisons Act of 1894 and the Prison Rules of Pakistan, both relics from the colonial era, permit the use of whipping as a punishment in prisons. They also permit the use of fetters and chains as instruments of restraint and punishment under certain conditions.” [42] (p1-2)

- 5.63 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“Prison conditions did not meet international standards and were extremely poor, except those for wealthy or influential prisoners. Overcrowding was widespread. According to the Human Rights Commission of Pakistan (HRCP,) there were 89,370 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons.

“Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Foreign prisoners often remained in prison long after their

sentences were completed because there was no one to pay for deportation to their home country.

“Authorities routinely shackled prisoners. The shackles were tight, heavy, and painful, and reportedly led to gangrene and amputation in several cases... Landlords in Sindh and tribes in rural areas operated illegal private jails.

“The government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions...Visits by local human rights monitors occurred during the year; however, the government denied the International Committee of the Red Cross (ICRC) access to alleged terrorist detainees.” [2b] (section 1c)

5.64 The USSD 2005 Report also noted that:

“Police held female detainees and prisoners separately from male detainees and prisoners. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population...Authorities established special women’s police stations with all female staff 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 male police often detained and interrogated women at regular stations. According to women’s rights NGOs, there were approximately 3,389 women in jail nationwide at year’s end.” [2b] (section 1c)

5.65 The USSD 2005 Report further recorded that:

“There were reports of prison riots. On May 12 [2005], inmates took control of the Sukkur central jail, holding the assistant superintendent and eight security guards hostage. The inmates were protesting prison guards’ alleged theft of valuables. Police called in to quell the uprising fired on the inmates, killing 1 prisoner and injuring 26. The Punjab unspector [sic] general of prisons ordered a probe into the incident. On June 24 [2005], inmates at the Sargodha jail took two assistant superintendents and four warders hostage to protest mistreatment. In the ensuing clash, nine inmates and one guard suffered injuries. One of the inmates later died from injuries sustained during the riot.” [2b] (section 1c)

5.66 The USSD 2005 Report further stated that:

“The Supreme Court indefinitely suspended a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for juveniles that provides numerous protections for juvenile offenders not found in the normal penal code. Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that 3,430 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)

(See also Section 5, sub-section on [Death Penalty](#))

- 5.67 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 18 April 2005 that:

“Pakistan’s leading child rights organisation has started renovation work at the main juvenile prison facility in the provincial capital of Pakistan’s North West Frontier Province (NWFP), Peshawar. The physical condition of almost all 22 jails in the province is grim, a rights activist told IRIN, with little renovation work having been carried out in more than half a century in most cases.

“‘This is a part of our overall programme to improve the living conditions of juveniles in prisons throughout the country by providing them with recreational facilities and improving drinking water and sanitation systems,’ Arshad Mehmood, deputy national coordinator of the child rights’ body, the Society for the Protection of the Rights of the Child (SPARC), told IRIN from Peshawar.’ [41e]

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

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MILITARY SERVICE

- 5.68 The Child Soldiers Global Report 2004 on Pakistan reports that:

“The Pakistan National Service Ordinance of 1970 regulates national service. It states that officers and *jawans* (soldiers) may be recruited between the ages of 17 and 23, although they must have at least a year’s training before participating in active service. Those in technical services, such as signals and nursing, may be recruited between the ages of 16 and 23. The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has not been used.

“There were no statistics on the number of under-18s serving in government armed forces.

“A number of cadet colleges admit children from the age of ten. The government has said that the colleges are focused exclusively on academic pursuits and that no military training is provided. The pupils are not considered members of the army and may choose whether or not to join the armed forces after completing schooling and attaining the age of 18. The minimum entrance age to Pakistan’s higher military academies was not known. [16] (p1)

MEDICAL SERVICES

- 5.69 The World Health Organisation’s (WHO’s) Country Profile on Pakistan, accessed

on 08 February 2006, 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] (p3) In 2005, the website Medics Travel published a list of medical organisations in Pakistan, including hospitals in Lahore, Islamabad, Karachi, Rawalpindi and some rural areas. [15]

- 5.70 The US State Department's Consular Information Sheet on Pakistan, dated 20 July 2005 and current as at 08 February 2006, 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." [2e] (p4)
- 5.71 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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)
- 5.72 The USSD 2005 Report 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)
- 5.73 An April 2005 Health Profile on Pakistan by USAID (US Agency for International Development) stated that:

"Despite Pakistan's current low prevalence, several socioeconomic conditions conducive to the spread of HIV exist within the country, including poverty and low levels of education and literacy...In 1988, shortly after the first diagnoses of HIV/AIDS in the country, the Ministry of Health of the Government of Pakistan established the National AIDS Control Programme (NACP), based at Pakistan's National Institute of Health...With FHI [Family Health International], USAID supports the NACP in the promotion of HIV/AIDS awareness and healthy behaviors through information, education, and communication programs on the risk factors for HIV...In 2004, activities were initiated in three cities to support local nongovernmental organizations in the development of youth awareness programs...In its work with seven Pakistani nongovernmental organizations in three large urban areas, FHI has educated 30,000 young people on risk factors and prevention strategies regarding HIV infection." [3] (p1-3)

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EDUCATIONAL SYSTEM

- 5.74 Europa Regional Surveys of the World: South Asia 2005 stated 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 10, is divided into two stages, of three and four years respectively. [1] (p469) Europa records the adult literacy rate as being 44.0 per cent (males 58.2 per cent, females 28.8 per cent) in 2001, and that there were 29 universities/degree-awarding institutes in the country. [1] (p442)

- 5.75 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, further noted 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, of the 18 million children between the ages of 5 and 9, only 42 percent were in school. Less than half of children who enrolled completed more than five years of education. Out of every 100 children who enrolled, only 6 completed 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. The UN estimated that 7 thousand of the 12 thousand schools in the affected areas were destroyed or damaged beyond repair in the October 8 earthquake.” [2b] (section 5)

- 5.76 The USSD 2005 Report continued:

“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 5 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)

- 5.77 The US State Department International Religious Freedom Report 2005, published on 08 November 2005, reported that:

“The Government remained in active negotiations with the sectarian boards, or wafaqs, which oversee the vast majority of the country's Islamic religious schools, or madrassahs. During the period covered by this report, the wafaqs began utilizing paid investigators to ensure the compliance of all member madrassahs with previous bans on the teaching of religious and sectarian hatred and the use of madrassahs for terrorist or extremist recruiting. Wafaqs oversaw an ongoing phase-in of modern subjects such as English, math [sic], and science at the government's request. Wafaqs also complied with government reporting requirements on foreign students and audited accounts.

In May, the Chair of the Education Minister created a new Madrassah Reform Committee to resolve outstanding questions on registration, examination and disbursement of \$100 million (approximately 5.8 billion rupees) in available funds to qualified madrassahs. However, by the end of the reporting period, the committee had failed to make headway and funding remained stalled.” [2a] (section II)

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

OVERVIEW

- 6.01 Amnesty International's 2005 Annual Report on Pakistan, covering the year 2004, recorded that:

"Arbitrary arrests and detentions in the context of the "war on terror" continued. Several people reportedly "disappeared". In the tribal areas, arbitrary arrests and possible extrajudicial executions were reported during security operations. The government failed to control sectarian violence which cost hundreds of lives. The blasphemy laws continued to be used to prosecute members of minorities. Government initiatives to improve protection of rights of women and juveniles provided only limited relief. Some children continued to be prosecuted as adults. At least 394 people were sentenced to death and 15 were executed." [4a] (p1)

- 6.02 A 2005 Freedom House report on Pakistan, last updated 11 August 2005, 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; blasphemy laws have also been used to suppress the media...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 often fails to protect religious minorities from sectarian violence, and discriminatory legislation contributes to creating a general climate of religious intolerance.

"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; a November [2004] BBC report estimated that at least five million laborers are bonded to their employers...Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 Amnesty International report raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women." [19] (p4-6)

(See also Section 6.B, sub-sections on [Domestic violence](#) and [Honour killings](#))

- 6.03 The Human Rights Watch World Report 2006 stated that:

“Six years after seizing power in a coup d’etat, President Pervez Musharraf’s military-backed government did little in 2005 to address ongoing human rights concerns, such as legal discrimination against and mistreatment of women and religious minorities, a rise in sectarian violence, 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.” [13a] (p1)

- 6.04 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, reported that “The government’s human rights record was poor; and serious problems remained.” [2b] (introduction)

- 6.05 An Amnesty International Public Statement dated 10 February 2006 reported that:

“Amnesty International is concerned about reports of human rights violations in Balochistan province which have escalated in the last two months. Recent violations have occurred in the context of a security operation in the province triggered by an attempt on President Pervez Musharraf’s life in December 2005. However the current intensification of tensions also flows from long-standing grievances felt by the local population in relation to severe economic underdevelopment and failures to receive the benefits of large-scale exploitation of the province’s natural resources.

“A non-governmental Human Rights Commission of Pakistan (HRCP) report released in late January 2006 found scores of cases of arbitrary arrests and detention, torture, extrajudicial executions, ‘disappearances’ and use of excessive force by security and intelligence forces committed since early 2005... The findings of the HRCP fact-finding mission corroborate a large number of reports received by Amnesty International from Baloch activists and civil society organisations since early 2005. According to a January 2006 statement by Senator Sanaullah Baloch, at least 180 people have died in bombings, 122 children have been killed by paramilitary troops and hundreds of people have been arrested since the beginning of the campaign in early 2005. On 8 December 2005, the federal Interior Minister stated that some 4,000 people had been arrested in Balochistan since the beginning of 2005. The identities, whereabouts of and charges against many of these detainees remain unknown.” [4d]

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HUMAN RIGHTS GROUPS

- 6.06 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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.

“President Musharraf criticized domestic women's rights organizations during the year. He discouraged their efforts to publicize rape and sexual abuse cases with the international community, claiming that such efforts damaged the country's international image.

“On May 14 [2005], police in Lahore prevented several human rights organizations from holding a symbolic mixed-gender mini-marathon to highlight violence against women, as organizers did not have appropriate permits...In the course of arresting those who refused to adhere to police instructions to disperse, police hit Asma Jahangir, the UN Special Rapporteur on Human Rights and head of the HRCP, with a baton and tore off her shirt.

“International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. The ICRC had a delegation in country.” [2b] (section 4)

- 6.07 The USSD 2005 Report also noted that “The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions...Visits by local human rights monitors occurred during the year; however, the government denied the International Committee of the Red Cross (ICRC) access to alleged terrorist detainees.” [2b] (section 1c)

- 6.08 The USSD 2005 Report further reported that:

“The Senate and National Assembly Standing Committee on Law, Justice, and Human Rights held hearings on a number of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. While the Committees served as useful fora to raise public awareness of such issues, their final actions generally adhered to government policy. The Parliamentarians Commission for Human Rights, an interparty caucus of parliamentarians, lobbied effectively for reform in key areas. [2b] (section 4)

6. 09 The US State Department report for International Religious Freedom 2005, published on 08 November 2005, noted that:

“In March 2005, the Government presented draft legislation for creation of a National Human Rights Commission. The Government continued to work with the international community to revise the draft legislation to ensure a strong, independent monitoring body.

“A 3-year Human Rights Mass Awareness and Education Project, which the Government began in 2001 with funding from the Asian Development Bank, concluded in 2004. The program actively engaged several NGOs. The Government continued to include human rights awareness as part of its police training program.” [2a] (section II)

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POLICE

- 6.10 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.” [19] (p6)

- 6.11 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families...Police failed in some instances to protect members of religious minorities – particularly Christians, Ahmadis, and Shi’as – from societal attacks...

“Corruption within the police was rampant. 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 avenge their personal grievances. Corruption was most prominent amongst station house officers (SHO), some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

“The government initiated regular training and retraining of police at all levels, both in technical skills and human rights. President Musharraf reissued and amended the 2002 Police Order on July 23 [2005], which transfers oversight responsibility of police from provinces to districts and establishes the district-level chief executive as principal supervisor.” [2b] (section 1d)

- 6.12 The USSD 2005 Report also noted that:

“Security forces extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Human rights monitors reported 189 instances of encounter killings.

“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...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)

- 6.13 The USSD 2005 Report further reported that:

“Authorities established special women’s police stations with all female staff 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 male police often detained and interrogated women at regular stations." [2b] (section 1c)

- 6.14 The US State Department report on International Religious Freedom 2005, published on 08 November 2005 noted that:

"Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Minority communities charged that police frequently failed to take adequate steps to arrest and prosecute those responsible for crimes against their members." [2a] (section II)

- 6.15 The same report also stated that "The Government continued to include human rights awareness as part of its police training program." [2a] (section II)

(See also Section 5, sub-section on [Arbitrary arrest](#), re FIRs – First Information Reports)

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TORTURE

- 6.16 A report on Torture Worldwide by Human Rights Watch issued 27 April 2005 stated that:

"Torture is routinely used in Pakistan by civilian law enforcement agencies, military personnel, and intelligence agencies. While acts of torture by the police are generally aimed at producing confessions during the course of criminal investigations, torture by military agencies primarily serves to frighten a victim into changing his political stance or loyalties or at the very least to stop him from being critical of the military authorities. Suspects are often whipped to the point of bleeding, severely beaten, and made to stay in painful stress positions. A July 2004 Human Rights Watch report focuses on abuses against farming families in the Punjab, including testimony about killings and torture by paramilitary forces." [13c] (p5)

- 6.17 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that:

"The law prohibits torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in special courts, although police did not use [sic] this provision to obtain convictions.

"Security force personnel continued to torture persons in custody throughout the

country. Human rights organizations reported that methods 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. Security force personnel reportedly raped women and children during interrogations. The nongovernmental organization (NGO) Lawyers for Human Rights and Legal Aid recorded 1,356 cases of torture during the year. Torture occasionally resulted in death or serious injury..." [2b] (section 1c)

(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 2005 (USSD 2005), published on 08 March 2006, stated that:

"The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, 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. However, the government engaged in retribution against some papers critical of it or its policies. On May 21 [2005], the government banned federal government advertising in *Nawa-I-Waqt* and *The Nation*. Provincial and local governments were free to advertise in those papers and did. The ban was lifted on August 22 [2005]. In June [2005] the Sindh provincial government banned provincial government advertising in papers run by the Dawn Group, owing to its critical coverage of a financial scandal involving the chief minister." [2b] (section 2a)

- 6.19 The USSD 2005 Report also reported that:

"The government directly owned and controlled Pakistan Television and Radio Pakistan, the only free national electronic broadcasters. The semiprivate Shalimar Television Network, in which the government held majority ownership, expanded its broadcast range during the year. All three reflected government views 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 BBC and the Voice of America, were available.” [2b] (section 2a)

- 6.20 The USSD 2005 Report further noted that “The government arrested, harassed, and intimidated journalists during the year...Unlike in previous years, the government did not directly or indirectly censor the media. Media outlets, however, continued to practice self-censorship.” [2b] (section 2a)

- 6.21 The USSD 2005 Report also advised that:

“The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. As part of the government’s crackdown on extremists, President Musharraf ordered police to take action against radical publications...Court rulings mandate the death sentence for anyone blaspheming against the ‘prophets’. The law 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 2005 Report]).” [2b] (section 2a)

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JOURNALISTS

- 6.22 The Third Annual International Federation of Journalists [IFJ] Press Freedom Report for South Asia (2004-2005) reported that:

“Several uncomfortable patterns have crystallised this year in terms of attacks and intimidation of media in Pakistan. For instance, more journalists and media organisations were attacked and intimidated this year [mid-year 2004-2005] (at least 120 journalists), than in the previous year (about 70). The worst case was when two journalists were gunned down in cold blood, putting Pakistan among the grim list of countries in the world where journalists have been killed...The range of media intimidation varied from attacks at the office, in the field and in at least two instances even at home. The growing variety of identified intimidators of the media was also troubling: the government, military, police, intelligence agencies, religious groups and even political parties were involved. Worryingly, in some cases the identity of the attackers also remains a mystery.

“This year’s targets of media intimidation expanded from last year’s list of newspapers, journalists, freelancers and television stations to include independent radio. Censorship took its familiar form of press advice from the government, the banning of publications, a ban on government advertising for newspapers, and in selective instances, controlling or regulating content.” [21] (p24)

- 6.23 The above IFJ report gave details of attacks and restrictions on journalists during 2004/2005. See source for further details. [21] (p70-74) The Committee to Protect Journalists issued an article of instances of attacks and restrictions on the press in 2005; see source [22] for full details. Reporters Without Borders [Reporters Sans Frontieres - RSF] also issued an annual report for 2005 highlighting instances where journalists had been attacked and restricted. Their

report noted that:

“The authorities regularly targeted journalists deemed to be harming the country’s interests. Armed forces spokesman Gen. Shaukat Sultan in September [2004] accused the Pakistani media of ‘selling the national interest in return for a few hundred dollars.’ He said a ban on journalists circulating in South Waziristan was justified because some had acted unethically and ‘helped the foreign media to discredit Pakistan.’...Reporters Without Borders registered more than 25 cases of journalists being arrested, or prevented from circulating freely, or having their equipment confiscated in this area. In June [2004], at least four reporters were detained, a BBC World Service stringer was threatened and journalists from Peshawar were prevented from entering the Tribal Areas...On a few occasions, the army invited journalists to witness the victories of its military offensive.

“The restrictions on the work of the press did not only affect South Waziristan. Foreign journalists did not get visas to go to Karachi, Islamabad and Lahore. The press was closely watched in other areas adjoining the Afghan border such as Balochistan, and in the Pakistani part of Kashmir. Kargil International, a pro-independence magazine in the Kashmir region, was banned in 2004.

“Military intelligence services, especially the ubiquitous Inter-Services Intelligence (ISI), targeted their threats and intimidation against independent journalists...The withdrawal of state-sector advertising was a weapon that was also used to effect by the government. It was withdrawn from the conservative press group, Nawa-i-Waqt Publications, in February and from the Urdu-language daily Jinnah in July.” [23] (p1)

- 6.24 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“The government arrested, harassed, and intimidated journalists during the year... Militant and extremist groups also killed, harassed, and physically assaulted journalists. For example, on January 19 [2005], a group of 30 Islamist youths attacked the offices of the Jang group of newspapers and the Geo TV offices in Karachi, damaging furniture, equipment, and vehicles and injuring a security guard. The youth were ostensibly angered by an interview with Israeli Deputy Prime Minister Shimon Peres published in Jang, as well as a Geo TV talk show on sexuality.” [2b] (section 2a)

- 6.25 The Human Rights Watch World Report 2006 stated that:

“Pakistan observed World Press Freedom Day on May 3, 2005, with arrests and beatings of journalists in Islamabad and Lahore. Baton-wielding police violently dispersed a peaceful rally of approximately fifty journalists gathered at the Parliament building in Islamabad. In Lahore, security forces attacked approximately 200 journalists as they rallied peacefully at the Punjab governor’s mansion to press for fairer working conditions.” [13a] (p3)

(See also Section 6.A, sub-section on [Freedom of speech and media](#))

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FREEDOM OF RELIGION

OVERVIEW

BACKGROUND AND DEMOGRAPHY

- 6.26 The US State Department International Religious Freedom Report 2005, published on 08 November 2005, noted that “The country is an Islamic republic, and the Constitution requires that laws be consistent with Islam.”
[2a] (introduction) The same report also stated that:

“Official figures on religious demography—based on the most recent census, taken in 1998—deem approximately 96 percent of the population or 148.8 million people to be Muslim, 2.02 percent or 2.44 million people to be Hindu, 1.69 percent or 2.09 million to be Christian, and 0.35 percent or 539,000 to be ‘other,’ including Ahmadi.

“The majority of Muslims in the country are Sunni. Ten percent or approximately 14.9 million are Shi’a. The Shi’a claim these figures are inaccurate and that at least 20 percent of the Muslim population are Shi’a followers split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought.” [2a] (section I)

- 6.27 As noted in the US State Department International Religious Freedom Report 2005, published on 08 November 2005:

“Ahmadis have been officially declared non-Muslim due to an assertion that Muhammed may not be the last prophet. Ahmadis have boycotted the census since 1974, rendering official numbers inaccurate. They claim at least 2 million adherents centered on their spiritual town of Chenab Nagar, Punjab (referred to as Rabwah by Ahmadis). In 1998, the Punjab Assembly unanimously adopted a resolution to change the name to Chenab Nagar against the wishes of the Ahmadi community.

“Non-Muslims are officially 4 percent of the population, although their leaders claim the actual figure is approximately 10 percent. Christians, officially 1.69 percent of the population or 2.09 million, claim actually to have 4 million members, 90 percent of whom live in Punjab. The largest Christian denomination is the umbrella Protestant Church of Pakistan, a member of the Anglican Communion. Catholics are the second-largest group, and the remainder belong to various evangelical denominations. 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, Balochistan. A few tribal Hindus of the lower castes from interior Sindh have converted to Christianity. Hindus are officially 2.02 percent of the population with 2.44 million adherents. Their leaders claim an actual membership of around 4 million. Most Hindus live in Sindh, where they comprise approximately 8 percent of the population. Parsis, Sikhs, and Buddhists each have approximately 20,000 adherents, while the Baha’i claim 30,000. The tiny but influential Parsi community is concentrated in Karachi. Some tribes in Balochistan and NWFP practice traditional animist religions.” [2a] (section I)

6.28 The same report stated that:

“Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Minority communities charged that police frequently failed to take adequate steps to arrest and prosecute those responsible for crimes against their members.” [2a] (section II)

6.29 The report also stated that:

“Relations between religious communities were tense. Societal discrimination against religious minorities was widespread and societal violence against such groups occurred. Societal actors, including terrorist and extremist groups and individuals, targeted religious congregations. More than 125 deaths accrued from sectarian violence, including by the terrorist group Lashkar-i-Jhangvi, during the period covered by this report. Large numbers of victims came from both Sunni and Shi’a sects. The Muttahida Majlis-i-Amal (MMA), a coalition of Islamist political parties, continued in its political rhetoric to call for the increased Islamization of the government and society. The MMA leads the opposition in the National Assembly, holds a majority in the Northwest Frontier Province (NWFP) Provincial Assembly, and is part of the ruling coalition in Balochistan.” [2a] (introduction)

6.30 The Human Rights Watch World Report 2006 on Pakistan noted that:

“Sectarian violence continues to increase. Those implicated are rarely prosecuted and virtually no action has been taken to protect the affected communities. While estimates suggest that over 4,000 people, largely from the minority Shi’a Muslim sect, have died in such violence since 1980, the last six years have witnessed a steep rise in incidents. For example, on May 27, 2005, eighteen people were killed and dozens injured in a suicide bombing at the Shi’a Bari Imam shrine near Islamabad, where hundreds had gathered for a religious festival. On May 30, a Shi’a mosque in Karachi was attacked, killing five worshippers and wounding twenty. In retaliatory violence, a Shi’a mob burned down a fast food restaurant, killing six employees.

“Sectarian violence also increased in the predominantly Shi’a Northern Areas. In January Agha Ziauddin, a leading Shia cleric, was murdered in the Himalayan city of Gilgit. At least 15 people died in ensuing sectarian violence, and tensions have continued to simmer. Gilgit, Skardu, and other towns in the Northern Areas have remained under intermittent curfew including for twelve days in October in the aftermath of the kidnapping of a local Shi’a activist, allegedly by the paramilitary force Pakistan Rangers. Human rights organizations and independent analysts assert that Pakistan’s intelligence agencies are complicit in the sectarian violence in the Northern Areas.

“Discrimination and persecution on grounds of religion continued in 2005, and an increasing number of blasphemy cases were registered. As in previous years, the Ahmadi religious community in particular was the target for arrests under various provisions of the Blasphemy Law for allegedly contravening the principles of Islam, and attacked by religious extremists. On October 7 Ahmadi

worshippers were attacked in a mosque near Mandi Behaaddin in Punjab. Eight were killed and at least eighteen were injured. Other religious minorities, including Christians and Hindus, also continue to face discrimination.” [13a] (p2)

- 6.31 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

“Discrimination is evident as many positions in both local and national government are specifically unavailable to Ahmadis, or are only available to Muslims willing to sign an affidavit attesting to the absolute finality of the Prophethood of Muhammad, which is a direct affront to the Ahmadi belief system.

“It is important to note that this culture of intolerance has been directed at all religious minorities within Pakistan, although particularly targeting Ahmadis and Christians.” [20a] (p2)

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POLICIES AND CONSTITUTIONAL PROVISIONS

- 6.32 The US State Department report on International Religious Freedom 2005, published on 08 November 2005, stated that:

“The country is an Islamic republic, and the Constitution requires that laws be consistent with Islam. The Constitution states that ‘subject to law, public order and morality, every citizen shall have the right to profess, practice and propagate his religion,’ however, in practice the Government imposes limits on freedom of religion. Islam is the state religion. Freedom of speech is constitutionally ‘subject to any reasonable restrictions imposed by law in the interest of the glory of Islam.’ The country was created to be a homeland for Muslims, although its founders did not envisage it as an Islamic state.” [2a] (Introduction)

- 6.33 The same report also stated that:

“The Government took some steps to improve the treatment of religious minorities during the period covered by this report, but serious problems remained. The Government fails to protect the rights of religious minorities. Discriminatory legislation and the Government’s failure to take action against societal forces hostile to those who practice a different faith fostered religious intolerance and acts of violence and intimidation against religious minorities... Specific government policies that discriminate against religious minorities include the use of the ‘Hudood’ Ordinances and the blasphemy laws. The Hudood Ordinances impose elements of Qur’anic law on both Muslims and non-Muslims. The blasphemy laws provide the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur’an; and 10 years’ imprisonment for insulting the religious feelings of any citizen... However, during the reporting period, the Government maintained its public calls for religious tolerance, pressured Islamic clergy to issue an injunction on sectarian violence and the killing of non-Muslims, revised implementation of the blasphemy law to curb abuses, maintained its ban on and actively attempted to curb the activities of sectarian and terrorist organizations, and proceeded with reform of the public education curriculum designed to end

the teaching of religious intolerance.” [2a] (introduction)

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

- 6.34 The US State Department report on International Religious Freedom 2005 further stated that:

“The Constitution safeguards ‘educational institutions with respect to religion.’ 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 were not provided with parallel studies in their own religions. In some schools, non-Muslim students could study ‘Akhlaqiyyat,’ or Ethics. In practice, teachers induced many non-Muslim students to complete Islamic studies.” [2a] (section II)

- 6.35 As noted by the US State Department Report 2005 (USSD 2005), published on 08 March 2006, “Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them.” [2b] (section 2c)

- 6.36 However, the USSD International Religious Freedom Report 2005, published on 08 November 2005, stated that:

“The Government took steps to bolster religious freedom during the period covered by this report.

“In January 2005, the President signed into law new procedures for the implementation of both the blasphemy laws and the Hudood Ordinances. Under the new procedures, senior police officials must investigate all blasphemy cases before charges are filed, and a court order must precede women's detention under the extramarital sex provisions of the Hudood Ordinances. Human rights campaigners had agitated for such changes since 2000 but, by the end of the reporting period, were skeptical of their impact and continued to press for outright repeal of the laws. However, early indications were that the perceived changes were reducing the abuse of the laws. In May the Chairman of the Council of Islamic Ideology stated that ‘Hudood Laws are not divine scriptures and thus can be changed.’

“The Government maintained its existing ban on terrorist and sectarian organizations known to be active in the country. The assets of such organizations remained frozen, and their identified leaders were under surveillance. Although most of the banned organizations continued to try and operate, the Government policies of monitoring, periodic raids on safe houses, periodic detention of leaders and activists, and denial of financial resources were effective in diminishing such groups’ impact... In March 2005, the Government presented draft legislation for creation of a National Human Rights Commission. The Government continued to work with the international community to revise the draft legislation to ensure a strong, independent

monitoring body.

“A 3-year Human Rights Mass Awareness and Education Project, which the Government began in 2001 with funding from the Asian Development Bank, concluded in 2004. The program actively engaged several NGOs. The Government continued to include human rights awareness as part of its police training program.” [2a] (section II)

- 6.37 This report further noted that “Although the Government removed colonial-era entries for religious affiliation from government job application forms to prevent discrimination in hiring, the faith of some, particularly of Christians and Hindus, often could be ascertained from their names.” [2a] (section III)
- 6.38 As stated by the US State Department International Religious Freedom Report 2004, published on 15 September 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.” [2c] (section III)
- 6.39 The USSD International Religious Freedom Report 2005, published on 08 November 2005 reported that:
- “Missionaries are allowed to operate in the country, and proselytizing, except by Ahmadis, is permitted 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 visas, valid from 2 to 5 years and allowing only one entry into the country per year. Only ‘replacement’ visas for those taking the place of departing missionaries were available, and long delays and bureaucratic problems were frequent.” [2a] (section II)

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HUDOOD ORDINANCES AND BLASPHEMY LAWS

- 6.40 The US State Department report on International Religious Freedom 2005, published on 08 November 2005 recorded that:
- “Specific government policies that discriminate against religious minorities include the use of the ‘Hudood’ Ordinances and the blasphemy laws. The Hudood Ordinances impose elements of Qur’anic law on both Muslims and non-Muslims. The blasphemy laws provide the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur’an; and 10 years’ imprisonment for insulting the religious feelings of any citizen. Both the Hudood Ordinances and the blasphemy laws have been abused, in that they are often used against persons to settle personal scores. The provincial government in the Northwest Frontier Province (NWFP) continued to pass directives and legislation in accordance with the conservative Islamic vision of its supporters. Despite the Islamic Ideology Council’s rejection of the Hisba bill and the concerns of the federal government, the opposition and human rights groups, the NWFP passed the bill shortly after the end of the

reporting period. The law currently is in abeyance, as its constitutionality is under review by the Supreme Court.

“However, during the reporting period, the Government maintained its public calls for religious tolerance, pressured Islamic clergy to issue an injunction on sectarian violence and the killing of non-Muslims, revised implementation of the blasphemy law to curb abuses, maintained its ban on and actively attempted to curb the activities of sectarian and terrorist organizations, and proceeded with reform of the public education curriculum designed to end the teaching of religious intolerance.” [2a] (introduction)

6.41 The same report further noted that:

“Pressure from societal, religious, or political leaders routinely prevented courts from protecting minority rights. These same pressures forced justices to take strong action against any perceived offense to Sunni Islamic orthodoxy. Discrimination against religious minorities was rarely placed before the judiciary. Courts would be unlikely to act objectively in such cases. 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. Bail in blasphemy cases is almost always denied by original trial courts on the logic that since defendants are facing the death penalty, they are likely to flee. Defendants can appeal the denial of bail (and many do), but bail is rarely granted by the High Court or the Supreme Court in advance of the trial. There were 54 blasphemy cases filed during the reporting period, 11 more than the previous period. According to figures compiled by the National Commission for Justice and Peace, between 1986 and 2004, 634 people were accused of blasphemy: 309 Muslims, 236 Ahmadis, 81 Christians, and 8 Hindus.” [2a] (section II)

6.42 Amnesty International’s 2005 Annual Report on Pakistan, covering the year 2004, noted that:

“At least 25 people were criminally charged with blasphemy and at least six of them remained in detention at the end of 2004. Hostility to anyone charged with blasphemy endangered their lives... The government did not take adequate measures to prevent attacks on religious congregations. In the month of October alone, some 80 people died in sectarian violence. There were frequent reprisal attacks. Following a bomb attack on a Shi’a gathering in Sialkot on 1 October [2004] which killed some 30 people, a bomb was thrown at a Sunni mosque in Multan which killed some 41 people. Scores of people were arrested after sectarian attacks but most were released due to lack of evidence.” [4a] (p2)

6.43 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, recorded 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.” [2c] (section II)

- 6.44 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

“Many blasphemy cases are often filed due to personal or religious enmity which is illustrated by the fact that the majority of blasphemy cases are acquitted in court for lack of sufficient evidence. It may also be possible that anti-Ahmadi sentiment may result in Ahmadis being falsely accused of non-Blasphemy related crimes.

“Local trial judges under pressure from religious groups may also be more likely to find the accused guilty of blasphemy, while the charges are frequently dropped at the higher level where religious/political influence is less of a factor.” [20a] (p2)

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VOTING RIGHTS

- 6.45 As reported in 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.” [2c] (section II)

- 6.46 The report continued:

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

- 6.47 The ‘Text of Legal Framework Order 2002’ stated that ten National Assembly seats would be reserved for non-Muslims [14c] (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. [14c] (p8)

- 6.48 The USSD International Religious Freedom Report 2005, published on 08 November 2005, noted that:

“All those wishing to obtain government identification documents as Muslims have to declare an oath on belief in the finality of the Prophethood, a provision designed to discriminate against Ahmadis. Initial voter registration no longer requires such an oath, but the Election Commission claimed that any Muslim registrant, whose religion was challenged by the public, would have to take the oath. As a result, Ahmadis continued to boycott elections.” [2a] (section II)

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AHMADIS

INTRODUCTION

- 6.49 The USSD International Religious Freedom Report 2005, published on 08 November 2005, stated that:

“Ahmadis have been officially declared non-Muslim due to an assertion that Muhammed may not be the last prophet. Ahmadis have boycotted the census since 1974, rendering official numbers inaccurate. They claim at least 2 million adherents centered on their spiritual town of Chenab Nagar, Punjab (referred to as Rabwah by Ahmadis). In 1998, the Punjab Assembly unanimously adopted a resolution to change the name to Chenab Nagar against the wishes of the Ahmadi community.” [2a] (section I)

- 6.50 The website ‘Encyclopedia.com’, which provides articles from the Columbia Encyclopedia, 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** [he who is divinely guided] 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]

- 6.51 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]

6.52 The article further noted 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." [8]

AHMADI HEADQUARTERS, RABWAH

6.53 The USSD International Religious Freedom Report 2005, published on 08 November 2005, stated that "They [Ahmadis] claim at least 2 million adherents centered on their spiritual town of Chenab Nagar, Punjab (referred to as Rabwah by Ahmadis). In 1998, the Punjab Assembly unanimously adopted a resolution to change the name to Chenab Nagar against the wishes of the Ahmadi community." [2a] (section I)

6.54 In a letter addressed to Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

"While an internal relocation alternative may be viable in some circumstances, particularly for low-level members of the community, relocation may only be a temporary solution given the ease with which Ahmadi affiliation can be detected. This is because Ahmadis cannot, for example, attend the same mosques as majority Muslims and cannot register as Muslims for political/official purposes. Ahmadis therefore remain somewhat visible within Muslim communities, especially within small communities. Due to the efforts of groups such as Khatme Nabuwat [Nabuwwat], a general intolerance for Ahmadis exists throughout Pakistan such that large numbers of agitators can be raised and catalysed in a short time, in any area of the country.

"Rabwah is the headquarters of the Ahmadi movement in Pakistan which is made up of 95% Ahmadis. Although Rabwah does provide a degree of community support to individual Ahmadis, there are reports suggesting that Rabwah is highly targeted by fundamentalist Islamic groups for anti-Ahmadi protests and other actions. So relying on the internal flight alternative as a solution for an Ahmadi facing persecution may result in a pattern of constant movement, as an individual may be forced to relocate each time his religious affiliation is discovered." [20a] (p3)

- 6.55 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 21 October 2005, the Foreign and Commonwealth Office stated that "Recent enquiries through the British High Commission in Islamabad show that very few Ahmadis are represented in public and semi public organisations in Rabwah. Approximately 54% of the voting population of Rabwah are Ahmadi, but it appears that Ahmadis do not normally vote in or contest elections for a variety of reasons." [11d]
- 6.56 As noted by the US State Department Report 2005 (USSD 2005), published on 08 March 2006:
- "Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, creating a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence." [2b] (section 2c)

LAHORI AHMADIS

- 6.57 A comparative study of the Lahore and Quadiyani (Qadiani) branches made by the Lahore Ahmadiyya Movement for the Propagation of Islam, accessed on their website 15 February 2006, stated that the (majority) Qadiani Ahmadis believe that Muhammed was not the last prophet, that Mirza Ghulam Ahmad was a prophet, that marriage to non-Ahmadi 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-Ahmadi 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]

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

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LEGISLATIVE RESTRICTIONS

- 6.58 The USSD International Religious Freedom Report 2005, published on 08 November 2005, recorded that:
- "The Government discourages and severely restricts public practice of the Ahmadiyya faith both by law and in practice. A 1974 constitutional amendment declared Ahmadis to be non-Muslims because they do not accept Muhammed as the last prophet of Islam. However, Ahmadis consider themselves to be Muslims and observe Islamic practices. In 1984, the Government added to the Penal Code Section 298(c), commonly referred to as the 'anti-Ahmadi law.' Used by the government and anti-Ahmadi religious groups to target and harass Ahmadis, the section prohibits 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. The vague wording of the provision that forbids Ahmadis from 'directly or indirectly' posing as Muslims has enabled mainstream Muslim religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Muhammed. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of the section is imprisonment for up to 3 years and a fine. An Ahmadiyya Muslim community report claimed that in 2004, 51 Ahmadis faced criminal charges under religious laws or because of their faith: 4 under the blasphemy laws, 19 under Ahmadi-specific laws, 1 under a religious law, and 27 under other laws but motivated by their Ahmadi faith.

"The Government gave tacit endorsement to Islamic clerics' campaigns against the perceived dangers of the Ahmadiyya faith by permitting the annual conference on the finality of the prophethood. Ahmadis are prohibited from holding any public conferences or gatherings, and since 1983 they have been denied permission to hold their annual conference. Ahmadis are banned from preaching. The Government prohibits Ahmadi travel to Saudi Arabia for the Hajj or other religious pilgrimages; since July 2003, anyone wanting to travel on the Hajj must denounce the founder of the Ahmadiyya faith as a 'cunning person and an imposter' on a printed oath that is part of the government registration process, thereby effectively preventing Ahmadis from fulfilling this tenant of the Islamic faith. Additionally, Ahmadi publications are banned from public sale; however, Ahmadis publish religious literature in large quantities for a limited circulation." [2a] (section II)

6.59 The USSD International Religious Freedom Report 2005 additionally stated that:

"Specific government policies that discriminate against religious minorities include the use of the 'Hudood' Ordinances and the blasphemy laws. The Hudood Ordinances impose elements of Qur'anic law on both Muslims and non-Muslims. The blasphemy laws provide the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur'an; and 10 years' imprisonment for insulting the religious feelings of any citizen. 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)

6.60 The USSD International Religious Freedom Report 2004, published 15 September 2004, 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.” [2c] (section II)

- 6.61 The subsequent USSD International Religious Freedom Report [for 2005] stated that:

“Unlike in previous reporting periods, there were no reports of police or inmates killing those accused of blasphemy in custody; however, mobs occasionally attacked and killed the accused prior to their arrest. Religious extremists continued to threaten to kill all those acquitted of blasphemy charges. High-profile accused often went into hiding or emigrated after acquittal. In January 2005, in an effort to stem abuse, new legislation entered into force requiring senior police officials to investigate all blasphemy accusations prior to the filing of charges. At the end of the reporting period, 22 remained in detention awaiting trial on blasphemy charges, and 9 were in prison following conviction.” [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

- 6.62 The Foreign and Commonwealth Office’s Annual Report on Human Rights 2005 stated that:

“Pakistan introduced new machine-readable passports in early 2004. Unlike previous passports these did not state the holder’s religion. This attracted criticism from religious leaders who accused President Musharraf of secularising the country. Following pressure from the religious opposition, the government set up a parliamentary committee to investigate the issue. Its findings in favour of a religion column in passport were supported by the cabinet and all passports printed since March 2005 again include the holder’s religion...The practice discriminates against minorities, particularly Ahmadis. Application forms for passports (and voting papers) require the applicant to sign a declaration specifically rejecting Mirza Ghulam Ahmad Qadiyani as a religious figure. If Ahmadis cannot obtain a passport stating their religion as Muslim, they are not permitted on the Haj, one of the tenets of their faith.” [11c] (p216-217)

Bai’at

- 6.63 Information supplied by the Ahmadiyya Muslim Association UK in 1998 stated that:

“Bai’at (literally means to sell oneself to a cause, or to be initiated into such a cause, or the nearest equivalent, an oath of allegiance undertaken at someone’s hands) is a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam...An Ahmadi is a person who believes in the Ahmadiyya doctrine. An Ahmadi by birth, as the term applies [sic], is a person who was born of Ahmadi parents. He is not required to be initiated and

therefore is not required to go through the bai'at procedure, unless there has been a change in the Supreme Head of the community (the Khalifatul Masih) when all Ahmadis perform the bai'at effectively renewing their allegiance to the new Head...There is no objection for Ahmadis by birth to perform the bai'at but they will of course not be issued with a Certificate of Bai'at." [18] (p1-2)

CURRENT SITUATION

6.64 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)

6.65 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)

6.66 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

“It would appear that Ahmadis are not always able to avail themselves of police protection. In fact, police may contribute to acts perceived as persecutory by Ahmadis. For example police are authorised to assist in the removal of Islamic signs from Ahmadi religious buildings and personal property. While police protection is not always unavailable to Ahmadis, law enforcement's lack of power against dominant political groups or collusion between the police and anti-Ahmadi mullahs is common enough that Ahmadis may be reluctant to call upon the police for protection.” [20a] (p2)

6.67 On 8 August 2005, the BBC noted that:

“Pakistani authorities have closed down the offices of 16 publications run by followers of the Ahmadiyya sect in the central Punjab city of Jhang. Two printing presses were sealed and cases registered against editors and publishers for ‘propagation of offensive material’, police said. At least two people were arrested and raids are continuing...Jhang police chief, Hamid Mukhtar Gondal, told the BBC the action had been taken on orders of the Punjab home department. He said the 16 publications had already been banned but the Jamaat-e-Ahmadiya – Pakistan's largest Ahmadiyya party – had continued to print and distribute them. Literature deemed religiously offensive and banned under Pakistani law was recovered from the offices of some of the publications.

The latest action was triggered on a complaint by a local religious leader, Maulana Chinioti, who has been in the forefront of the campaign against the minority sect. Mr Gondal said he could have charged Ahmadiyya leaders and editors under anti-terrorism laws but had decided not to do so. 'For the time being, we have booked them for propagating material offensive to people of other faiths,' he said. A spokesman of the Jamaat-e-Ahmadiyya told the BBC that none of its publications were offensive and their closure reflected religious prejudice against the community. The Jamaat-e-Ahmadiya had never been involved in any form of violence or any hate campaign, he said." [35p]

- 6.68 As noted by the US State Department Report 2005 (USSD 2005), published on 08 March 2006:

"The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Ahmadis, who claimed their population was approximately 2 million, were prohibited by law 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. In March the government reinstated the religion column for machine readable passports...Ahmadis were frequently discriminated against in government hiring and in admission to government schools." [2b] (section 2c)

- 6.69 The USSD International Religious Freedom Report 2005, published on 08 November 2005, stated that:

"The Constitution provides for the 'freedom to manage religious institutions'. 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. According to press reports, the authorities continued to conduct surveillance on the Ahmadis and their institutions. Several Ahmadi mosques reportedly have been closed; others reportedly have been desecrated or had their construction stopped...The Government does not prohibit, restrict, or punish parents for raising children in accordance with religious teachings and practices of their choice, nor does it take steps to prevent parents from teaching their children religion in the privacy of the home.." [2a] (section II)

- 6.70 The same report further noted that:

"Ahmadis suffered from societal harassment and discrimination. Even the rumor that someone might be an Ahmadi or had Ahmadi relatives could stifle opportunities for employment or promotion. Most Ahmadis were home-schooled or went to private, Ahmadi-run schools. Ahmadi students in public schools often were subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the Government reportedly was poor. In 2002, in response to a question from Islamic clerics, President Pervez Musharraf, who had been accused of favoring Ahmadis, declared that he believed Ahmadis to be 'non-Muslims.'" [2a] (section III)

- 6.71 As noted by the USSD 2005 Report:

“Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, creating a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence.” [2b] (section 2c)

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CHRISTIANS

INTRODUCTION

- 6.72 The USSD International Religious Freedom Report 2005, published on 08 November 2005 stated that:

“Christians, officially 1.69 percent of the population or 2.09 million [taken from the 1998 census], claim actually to have 4 million members, 90 percent of whom live in Punjab. The largest Christian denomination is the umbrella Protestant Church of Pakistan, a member of the Anglican Communion. Catholics are the second-largest group, and the remainder belong to various evangelical denominations. 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, Balochistan. A few tribal Hindus of the lower castes from interior Sindh have converted to Christianity.” [2a] (section I)

- 6.73 The USSD International Religious Freedom Report 2005 also noted that “Foreign missionaries operate in the country. The largest Christian mission group engages in Bible translation for the Church of Pakistan. 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

- 6.74 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that “Christians and Ahmadis 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)

- 6.75 The USSD International Religious Freedom Report 2005, published on 08 November 2005, noted that:

“While many Christians belonged to the poorest socioeconomic groups and faced discrimination, the reason might have more to do with ethnic and social factors than with religion. Many poor Christians remained in the profession of their low-caste Hindu ancestors, most of whom were “untouchables”. Their position in society, although somewhat better today than in the past, did not reflect major progress despite more than 100 years of consistent missionary aid

and development. Christian students reportedly were forced to eat at separate tables in public schools that are predominately Muslim.” [2a] (section III)

6.76 The USSD International Religious Freedom Report 2005 also recorded that:

“The Government did not subject individuals to forced labor or enslavement based on religious beliefs; however, minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in both the brick-making and agricultural sectors. Christians and Hindus were disproportionately victims of this practice. In June, police raided sites in Sheikhpura district, Punjab Province, and freed more than 300 mostly Christian workers performing forced labor in brick kilns.” [2a] (section II)

6.77 The USSD International Religious Freedom Report 2005 noted that “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:

“Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Minority communities charged that police frequently failed to take adequate steps to arrest and prosecute those responsible for crimes against their members.” [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

6.78 The Encyclopedia of the World’s Minorities (2005) records that:

“Shi’i and Sunni Islam have taken divergent paths since the Prophet Muhammed’s son-in-law Ali (the first *imam* of the Shi’a tradition) was bypassed in the election of caliph after the death of the Prophet. Unlike the Shi’a, Sunnis believe that individuals should have direct contact with God, unmediated by acclergy. This is in direct contrast to the Shi’a doctrine of the intercession of an *imamate*. Sunnis regard the Qur’an and the sayings (*hadiths*) of the Prophet Muhammed as the basic source for Islamic principles.” [37] (p881)

6.79 The Encyclopedia further stated that:

“After the Prophet’s death in 632 CE, the first four ‘rightly-guided’ (*rashidun*) caliphs codified many Islamic practices. The Shi’a, who advocate a strict adherence to Islamic law (*Shari’a*), believe that the first three caliphs instituted

customs that diverged from the teachings of the Prophet. They consider the first three caliphs to be illegitimate, and assert that only Ali, the fourth caliph, had the divine right to rule over the Muslim people. Ali, who married Muhammed's daughter Fatima, was caliph from 656-661 CE until he was assassinated in the city of Kufa." [37] (p880)

6.80 The Encyclopedia also reported that:

"Shi'a consider designated descendants of Ali and Fatima to be *imams*, religious and political leaders who are without sin and have the divine right to interpret the *shari'a*...Of particular importance to all Shi'a is the third *imam*, Husayn, the son of Ali who was killed in 680 at Karbala fighting the Umayyad caliphate that had taken over after his father's death. Today, the celebration of *ashura* serves as a reminder to Shi'a of Husayn's martyrdom, a time after which the world abandoned the path of righteousness." [37] (p 880)

6.81 The CIA World Factbook 2005 noted that 97 per cent of Pakistan's population were Muslims (comprised of 77 per cent Sunni and 20 per cent Shi'a Muslims). [34] (p7) However, the USSD International Religious Freedom Report 2005, published on 08 November 2005, stated that "The majority of Muslims in the country are Sunni. Ten percent or approximately 14.9 million are Shi'a. The Shi'a claim these figures are inaccurate and that at least 20 percent of the Muslim population are Shi'a followers split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought." [2a] (section I)

6.82 The same Report recorded that:

"Government estimates on Shi'a count approximately 750,000 Ismailis, most of whom are spiritual followers of the Aga Khan. An estimated 80,000 belong to the Bohra or other smaller schools of thought. Shi'a are found nationwide but have population concentrations in Karachi, Gilgit, and parts of Balochistan. Ismailis are found principally in Hunza, Karachi, and Baltistan. The majority Sunni Muslim community is divided into three main schools of thought (Brailvi, Deobandi, and Ahl-e-Hadith) and a socio-political movement, the Jamaat Islami (JI), which has its own theology, schools, and mosques. Ahl-e-Hadith adherents comprise, at most, 5 percent of Muslims, and are concentrated in Punjab. No reliable figures on JI adherents exist, as its membership always claims adherence to another school. Its adherents, however, are generally found in urban centers. Brailvi and Deobandi leaders both claim that their schools comprise up to 80 percent of the overall Muslim population. Most disinterested observers believe that the Brailvi remain the largest school, around 60 percent of all Muslims, with the Deobandi at around 20 percent, but growing. The Brailvi are the dominant majority in Sindh and Punjab. Deobandi are generally found in the Pashtun belt from northern Punjab, across the NWFP, and into northern Balochistan, although there are increasing numbers in Karachi and the Seraiki areas of Punjab." [2a] (section I)

PAKISTAN'S SHI'AS (AKA SHI'I OR SHI'ITES)

6.83 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that "Sectarian violence between Sunni and Shi'a extremists continued during the year. Attacks on mosques and religious gatherings resulted in nearly 75 deaths..." [2b] (section 2c)

- 6.84 The USSD International Religious Freedom Report 2005, published on 08 November 2005, noted that “Nationwide, the sectarian violence situation improved during the period covered by this report [01 July 2004 – 30 June 2005]. Shi’a leaders claimed that the targeted assassinations of professional members of their communities, particularly in Karachi, virtually ended over the last year. They attributed this to Shi’a participation in the MMA [Muttahida Majlis-i-Amal] and a generally improved relationship with Sunni sects.” [2a] (section II) However, the same report also stated that:

“Relations between the country’s religious communities remained tense. Violence against religious minorities and between Muslim sects continued. Most believed that a small minority were responsible for attacks; however, discriminatory legislation and the teaching of religious intolerance in public schools created a permissible environment for attacks. Police at times refused to prevent violence and harassment or refused to charge persons who commit such offenses.” [2a] (section III)

- 6.85 The same report further noted that:

“More than 125 deaths accrued from sectarian violence, including by the terrorist group Lashkar-i-Jhangvi, during the period covered by this report [01 July 2004 – 30 June 2005]. Large numbers of victims came from both Sunni and Shi’a sects. The Muttahida Majlis-i-Amal (MMA), a coalition of Islamist political parties, continued in its political rhetoric to call for the increased Islamization of the government and society. The MMA leads the opposition in the National Assembly, holds a majority in the Northwest Frontier Province (NWFP) Provincial Assembly, and is part of the ruling coalition in Balochistan.” [2a] (Introduction)

- 6.86 The Human Rights Watch World Report 2006, issued 18 January 2006, recorded that:

“Sectarian violence continues to increase. Those implicated are rarely prosecuted and virtually no action has been taken to protect the affected communities. While estimates suggest that over 4,000 people, largely from the minority Shi’a Muslim sect, have died in such violence since 1980, the last six years have witnessed a steep rise in incidents. For example, on May 27, 2005, eighteen people were killed and dozens injured in a suicide bombing at the Shi’a Bari Imam shrine near Islamabad, where hundreds had gathered for a religious festival. On May 30, a Shi’a mosque in Karachi was attacked, killing five worshippers and wounding twenty. In retaliatory violence, a Shi’a mob burned down a fast food restaurant, killing six employees.

“Sectarian violence also increased in the predominantly Shi’a Northern Areas. In January Agha Ziauddin, a leading Shia cleric, was murdered in the Himalayan city of Gilgit. At least 15 people died in ensuing sectarian violence, and tensions have continued to simmer. Gilgit, Skardu, and other towns in the Northern Areas have remained under intermittent curfew including for twelve days in October in the aftermath of the kidnapping of a local Shi’a activist, allegedly by the paramilitary force Pakistan Rangers. Human rights organizations and independent analysts assert that Pakistan’s intelligence agencies are complicit in the sectarian violence in the Northern Areas.” [13a] (p2)

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FREEDOM OF ASSEMBLY AND ASSOCIATION

OVERVIEW

- 6.87 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

“The law provides for freedom ‘to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order,’ and freedom of association, and the government generally observed these rights, but with some restrictions.

“While the government allowed numerous opposition rallies and demonstrations to proceed during the year, it refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984...Unlike in previous years, the authorities did not restrict the domestic movements of leaders of religious political parties.

“The law provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the government under the 1960 Cooperative Societies and Companies Ordinance. 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)

- 6.88 The USSD 2005 Report also stated that:

“Police sometimes used preventive detention and excessive force against demonstrators. In April [2005] the government utilized mass preventive detention to prevent a planned PPP procession in Lahore to mark the return of Asif Ali Zardari, husband of Benazir Bhutto, from a trip to Dubai. Between April 14 and 16, police detained approximately 10 thousand PPP office-holders, leaders, and activists who attempted to make their way to Lahore for the planned procession. On April 16, upon arrival in Lahore police officials escorted Zardari from the commercial aircraft on which he was traveling to his residence, effectively preventing the PPP from carrying out its reception and procession. Following statements from PPP leaders that they were planning a new procession for April 21, police in Lahore and Faisalabad placed 200 activists in preventive detention. Police released all those detained within one month of their arrest. On May 15 [2005], Lahore police forcibly dispersed participants in a mixed-gender marathon that the HRCF and the Joint Action Committee for People’s Rights had organized. The marathon was supposed to protest the Islamist disruption of a similar event in Gujranwala. Police temporarily detained between 40 and 50 participants in the event. Many arrested suffered minor injuries. The government claimed that it prohibited the marathon to prevent violence from Islamist extremists. On May 21, following negotiations between the organizers and the government, the event proceeded.

“Extremists also disrupted public gatherings. On April 3 [2005], several hundred activists affiliated with the Muttahida Majlis-i-Amal (a coalition of Islamist

political parties) used petrol bombs, clubs, and bricks to attack participants, organizers, spectators, and police at a mixed-gender marathon in Gujranwala with. The activists torched 19 vehicles and smashed windows in the stadium and adjacent buildings. Police used batons, tear gas, and firing in the air to restore order. The clash resulted in injuries to 15 persons. Police registered cases against more than 100 activists affiliated with the MMA, including Maulana Qazi Hamidullah, a member of the national assembly.” [2b] (section 2b)

6.89 The Human Rights Watch World Report 2006 recorded that:

“On May 14, 2005, human rights defenders organized a ‘mixed marathon,’ an event designed to highlight violence against women and to support their right of access to public spaces. The marathon was organized by the Human Rights Commission of Pakistan and affiliated NGOs. The event was attacked by police; Asma Jahangir, the U.N. special rapporteur on freedom of religion and head of the Human Rights Commission of Pakistan, the country’s largest such nongovernmental group, was publicly beaten. The police, under orders, also attempted to strip her naked. Some forty others, including Hina Jilani, the U.N. special rapporteur on the situation of human rights defenders, were also beaten and arrested by the provincial police and the federal Intelligence Bureau. They were released later the same day.” [13a] (p4)

6.90 An editorial in the *Pakistan Observer* of 23 May 2005 reported that “ASMA Jehangir of the Human Rights Commission has ultimately succeeded in holding the mixed marathon in the name of civil liberties in Lahore on Saturday [21 May 2005]. The Lahore administration, however, did not intervene though changed the route from Liberty Chowk to Qadhafi Stadium instead of Kalima Chowk. Asma Jehangir later said that the event has proved that Lahorites are enlightened and conscious people.” [33]

6.91 A news item dated 29 January 2006 released by the Human Rights Commission of Pakistan stated that:

“Lahore Marathon 2006 was held smoothly on January 29 and the Punjab government effectively dealt with mullahs violently opposing the race.

“Thousands of men, women and children participated in the event enthusiastically. Most of the participants were children and young people, especially school, college and university students.

“Although it was a healthy activity, mullahs and certain religious organisations began to oppose and resist the event. The Punjab government on the other hand encouraged people to participate in the event.

“Earlier on 27 January police clashed with Islami Jamiat Talaba (IJT) and Muttahida Majlis-e-Amal (MMA) activists at various points on the Marathon route. Police said it baton charged and tear gassed the activists and arrested about 100. The clashes occurred on Lower Mall, near Qaddafi Stadium, Masjid-e-Shuhda and Upper Mall before and after Friday prayers. Police cordoned off various locations. About 1,000 IJT activists took part in the largest protest that came out of Islamia College, Civil Lines. The activists also started tearing banners and posters of the Lahore marathon and tried to disrupt the arrangements made by the City District Government and event organisers.” [27c]

POLITICAL ACTIVISTS

- 6.92 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, reported that:

“The government permitted all existing political parties to function. The government forced the PPP and PML-N to elect in-country leaders other than former prime ministers 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 eliminating Benazir Bhutto and Nawaz Sharif.

“The opposition claimed the government continued to detain two of its leaders, Javed Hashmi and Yousaf Raza Gilliani, on politically motivated charges during the year.

“The government ban on political party activities in the FATA 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 prohibits those convicted of corruption by the NAB from holding political office for 10 years...The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute members of the military.” [2b] (section 3)

- 6.93 The Human Rights Watch World Report 2006 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 or threaten political opponents. Makhdoom Javed Hashmi, of the Alliance for the Restoration of Democracy, began a twenty-three year sentence for sedition, a charge brought against him for reading an anti-Musharraf letter to journalists in April 2004. In April 2005 thousands of opposition Pakistan People’s Party (PPP) supporters, including several PPP parliamentarians, were arbitrarily arrested in a countrywide crackdown. Though many of those arrested were subsequently released without charge, cases against hundreds were filed under the Anti-Terrorism Act and under Pakistan’s criminal procedure code. Scores continue to face charges and the fear of re-arrest. On May 11 Shahbaz Sharif, president of the Pakistan Muslim League (PML-N), was forcibly deported to Saudi Arabia when he attempted to end three years of involuntary exile. Prior to his arrival at Lahore Airport, scores of PML-N leaders and supporters were arrested and released subsequently.” [13a] (p3)

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EMPLOYMENT RIGHTS

- 6.94 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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)

6.95 The USSD 2005 Report also noted that:

“In those sectors covered by the IRO, the government allowed unions to conduct their activities without 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)

6.96 The USSD 2005 Report 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. For example in May and June [2005], Pakistan Telecommunications workers’ unions held brief nationwide strikes to protest privatization of the company. The strikes ceased after negotiations with the government.” [2b] (section 6b)

6.97 The USSD 2005 Report also noted that:

“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)

6.98 The USSD 2005 Report also stated that:

“The national minimum wage for unskilled workers was \$42 (PKR 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)

6.99 The USSD 2005 Report 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. For example 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 (PKR 364) in the NWFP to an average of \$121 (PKR 7,280) in Baluchistan – were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (PKR 20 thousand). Penalties often were not imposed on those found to be violating child labor laws." [2b] (section 6d)

6.100 The USSD 2005 Report 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.” [2b] (section 6d)

6.101 The USSD 2005 Report stated that:

“The law prohibits 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 (PKR 50 thousand) in fines.

“Realistic statistics on bonded labor were difficult to obtain. Estimates suggested that 5 to 20 million persons were involved in some form of bonded labor, which was common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low-caste Hindus. Bonded laborers were often unable to determine when their debts were fully paid. Those who escaped often faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. 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 approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.” [2b] (section 6c)

6.102 The USSD International Religious Freedom Report 2005, published on 08 November 2005, recorded that:

“The Government did not subject individuals to forced labor or enslavement based on religious beliefs; however, minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in both the brick-making and agricultural sectors. Christians and Hindus were disproportionately victims of this practice. In June, police raided sites in Sheikhpura district, Punjab Province, and freed more than 300 mostly Christian workers performing forced labor in brick kilns.” [2a] (section II)

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PEOPLE TRAFFICKING

6. 103 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”. [29e] (p3)

6.104 The US State Department’s Trafficking in Persons Report, dated June 2005,

recorded that:

“The Government of Pakistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Pakistan has improved its anti-trafficking performance over the reporting period. Most notably, it has increased trafficking-related prosecutions and convictions, strengthened implementation of its 2002 Prevention and Control of Human Trafficking Ordinance, established an Anti-Trafficking Unit (ATU) within the Federal Investigation Agency (FIA), and co-sponsored several public awareness campaigns...In 2004, Pakistan made progress in its efforts to protect trafficking victims. Currently, NGOs continue to provide the majority of assistance and protection services for victims. However, new regulations for the implementation of Pakistan’s 2002 anti-trafficking law obligate the Government of Pakistan to provide assistance to trafficking victims and allocate funding for their repatriation. Pakistan established the FIA’s ATU, through which it coordinates its anti-trafficking law enforcement efforts.” [2d] (p173-174)

- 6.105 The International Organization for Migration (IOM) issued Press Briefing Notes on 30 August 2005, stating that:

“IOM has opened a model shelter home for women victims of human trafficking in Islamabad – the first of its kind in Pakistan. The facility, at an undisclosed secure location in Pakistan’s capital, is designed to house up to ten women at a time upon their rescue or escape from traffickers. At the shelter, trained IOM staff will provide them with the medical, psychological and legal help that they need to plan their long-term recovery, rehabilitation and reintegration into society. Shelter staff underwent government security vetting and an intensive training course provided by IOM and Struggle for Change (SACH) – a local NGO, before being hired. The first referrals to the facility from law enforcement agencies and NGOs are expected shortly...The opening of the shelter is the second part of a national three-part counter trafficking project being implemented by IOM in partnership with the Pakistan government with funding from the US State Department. The project has already established and trained a Federal Investigation Agency Anti-Trafficking Unit. A national information campaign, the final part of the project, will be launched shortly.” [45] (p2-3)

- 6.106 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that:

“The law prohibits trafficking in persons; however, trafficking 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 513 suspected traffickers and prosecuted 179 under the ordinance during the year. The Federal Investigation Agency’s (FIA) dedicated ATU [Anti-Trafficking Unit] had primary responsibility for combating trafficking. 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)

- 6.107 The USSD 2005 Report also noted that:

“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. Families continued to sell young boys between ages 3 and 10 for use as camel jockeys in Middle Eastern countries, and authorities estimated that there were between two to three thousand child citizens in the UAE being used as camel jockeys. 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 governmental officers and arrested FIA inspectors. A complete tally of such actions was not available.” [2b] (section 5)

6.108 The USSD 2005 Report also reported that:

“The government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 13,967 citizens trafficked to the Middle East. Of these, 147 were camel jockeys from the UAE and 10,584 were laborers from Oman. In March the government opened its first model shelter specifically for trafficking victims. There were 276 additional district-run emergency centers for women in distress where they 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 personally was 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)

6.109 The USSD 2005 Report further stated that:

“With the establishment of a dedicated ATU, treatment of trafficking victims improved significantly. Unlike in previous years, there were no reports of police treating trafficking victims as criminals or threatening them with prosecution for adultery or fornication. 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.

“Several 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)

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FREEDOM OF MOVEMENT

6.110 In respect of freedom of movement within the country, foreign travel, emigration and repatriation, the US State Department Report 2005 (USSD 2005), published

on 08 March 2006 noted that:

“The law prohibits 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 ECL are prohibited from foreign travel. There were approximately 4,300 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 law prohibits forced exile; however, former Prime Minister Nawaz Sharif and his brother Shahbaz Sharif remained in exile abroad, in accordance with his 2000 agreement with the government. On November 7 [2005], the government granted Nawaz Sharif and his immediate family new passports, allowing them to travel outside Saudi Arabia. Former Prime Minister Benazir Bhutto remained in self-imposed exile. She faced a number of corruption and contempt of court charges should she return to the country.” [2b] (section 2d)

- 6.111 The website of the Government of Pakistan, updated May 2004, recorded that proof of identity when applying for a passport is provided by submitting two copies of the National Identity card bearing a photograph. [29a]

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

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6.B HUMAN RIGHTS - SPECIFIC GROUPS

MOHAJIRS

OVERVIEW

- 6.112 The Encarta Online Encyclopedia 2005 noted 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

6.113 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)

6.114 Europa Regional Surveys of the World: South Asia 2005, noted that the MQM was “f. [formed] 1978 as All Pakistan Mohajir Students Organisation; name changed to Mohajir Qaumi Movement in 1984, and to Muttahida Qaumi Movement in 1997, represents the interests of Muslim, Urdu-speaking immigrants (from India) in Pakistan; seeks the designation of Mohajir as fifth nationality (after Sindhi, Punjabi, Pathan and Baluchi); aims to abolish the prevailing feudal political system and to establish democracy, Pres. AFTAB SHEIKH.” [1] (p447)

6.115 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

6.116 The US State Department Report 2005 (USSD 2005), published on 08 March 2006 noted that:

“Several dozen Mohajir Quami Movement-Haqiqi (MQM-H) activists, arrested between 1999 and 2003, remained in custody at year’s end, some without charge.” [2b] (section 1d)

6.117 The USSD 2005 Report also recorded that:

“On some university campuses, well-armed groups of students, most commonly associated with the All Pakistan Mohajir Students Organization (APMSO) (affiliated with the MQM) and the Islami Jamiat Talaba (IJT) (affiliated with the JI), had clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced those admitted to the universities, and sometimes also influenced the use of funds of the institutions. Such influence generally was achieved through a combination

of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.” [2b] (section 2a)

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WOMEN

OVERVIEW

6.118 A 2005 Freedom House report on Pakistan recorded that:

“A combination of traditional norms and weak law enforcement continue to contribute to rape, domestic violence, acid attacks, and other forms of abuse against women. Although less frequently than in the past, women are still charged under the Hudood Ordinances with adultery or other sexual misconduct arising from rape cases or alleged extramarital affairs, and 20,000 are currently estimated to be in prison as a result of being wrongfully charged. The threat of being charged with adultery may prevent some women from reporting rape. The government-appointed National Commission on the Status of Women recommended in 2003 that the ordinances be repealed, but because of the influence of Islamist parties in parliament, the suggestion is unlikely to be acted upon. Gang rapes sanctioned by village councils as a form of punishment for crimes committed by a woman’s relatives continue to be reported, despite the fact that harsh sentences have been handed down in some cases.” [19] (p7)

6.119 The same report noted that:

“According to the HRCP [Human Rights Commission of Pakistan], at least 600 women were killed by family members in so-called honor killings in 2003. Usually committed by a male relative of the victim, honor killings punish women who supposedly bring dishonor to the family. In October 2004, the lower house of parliament passed government-backed legislation introducing stiffer sentences and the possibility of the death penalty for those convicted of honor killings. However, given a prevailing environment where authorities generally do not aggressively prosecute and convict the perpetrators of violence against women, activists questioned the effectiveness of the bill. Pakistani women face unofficial discrimination in educational and employment opportunities.” [19] (p7)

6.120 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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

6.121 The US State Department Report 2005 (USSD 2005), published on 08 March

2006, records that “The law provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.” [2b] (section 5)

- 6.122 Section 25 of Chapter I Part II of Pakistan’s Constitution stated 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.” [14a] (p5)

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

DISCRIMINATORY LEGISLATION

- 6.123 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

“The law 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...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’s testimony.

“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. 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)

- 6.124 The USSD 2005 Report further recorded 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 years of age.” [2b] (section 5)

- 6.125 The USSD 2005 Report noted that:

“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...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)

- 6.126 The USSD 2005 Report also recorded that “According to human rights monitors, 33 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)

- 6.127 The USSD 2005 Report stated 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 the repeal of the Hudood Ordinances. On January 4 [2005], President Musharraf signed a bill into law 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. The percentage of the female prison population awaiting trial on such Hudood charges declined significantly to approximately 33 percent.” [2b] (section 5)

(See also Section 6.B, sub-sections on [Domestic violence](#) and [Rape](#))

- 6.128 The Human Rights Watch World Report 2006 on Pakistan noted that:

“Under Pakistan’s existing Hudood Ordinance, proof of rape generally requires the confession of the accused or the testimony of four adult Muslim males 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 a woman 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 tens of thousands of cases under the Hudood laws are under process at various levels in Pakistan’s legal system.” [13a] (p1)

- 6.129 Amnesty International’s 2005 Annual Report on Pakistan noted that “In October [2004] the National Assembly passed draft legislation making the handing over of a woman as compensation for murder a criminal offence punishable by up to three years’ imprisonment. Under another amendment, criminal charges under the laws on blasphemy and Zina (unlawful sex) are to be investigated only by higher ranking police officers. However, the amendments had not been signed into law by the end of the year.” [4a] (p3)

(See also Section 6.B, sub-section on [Domestic violence](#))

- 6.130 On 14 April 2005, the BBC noted that:

“Pakistan’s hard-line Islamist political parties have spent months in protest

campaigns against President Pervez Musharraf. But recently they have changed tack, concentrating on women's issues. Last week the six-party religious alliance that constitutes one-fifth of the country's parliament, the Muttahida Majlis-e-Amal (MMA) introduced a bill in parliament seeking a complete ban on women in advertising. The move follows the MMA's recent successes in stopping women from participating in outdoor sports. Political observers in Pakistan are intrigued by the sudden shift of emphasis in the MMA's politics...The shift was first noticed when the MMA started to oppose women's participation in sports events open to the general public. A mini-marathon organised in Gujranwala, some 40 miles north of the Punjab capital city of Lahore, was disrupted by MMA workers armed with batons and led by an MNA [Member of the National Assembly] Qazi Hameedullah. Several people were injured, including the MNA, in clashes with the police and the organisers had to abandon the race. A subsequent race scheduled for Sargodha - the home of Pakistan's air force some 150km southwest of capital Islamabad - was shifted to within the boundary walls of a college...Soon after, a private member's bill titled the 'Prohibition of Indecent Advertisements Bill 2005' was submitted to the national assembly. The proposed law seeks that making or publishing 'indecent' advertisements be declared a criminal and non-bailable offence. It proposes one-year imprisonment for any ad agency that uses women models - and at least five years for those found in repeated violation of this law. The word 'indecent' includes everything that is against religion, eastern values and traditions, and promotes licentiousness. Pakistan analysts say that the shift reflects a steady erosion of the MMA's political agenda...'The MMA hardly have any politics left,' says Nighat Said Khan, the head of the Institute of Women Studies at Lahore. Running a left wing women's organization for over 20 years, Ms Khan has often found herself at loggerheads with the Islamists. 'But where they have failed with political issues, they have succeeded on issues such as the religion column [in passports] and women's participation in public life. 'That may be why they are reverting to a cultural agenda where they have had far more success compared to the political front,' she says." [35h] (p1-2)

- 6.131 A Human Rights Watch report of 15 June 2005 described police beating and arresting Asma Jahangir, the United Nations special rapporteur on freedom of religion and head of the Human Rights Commission of Pakistan, for organising a symbolic mixed-gender mini-marathon on 14 May 2005. The report noted that:

"The stated aim of the marathon was to highlight violence against women and to promote 'enlightened moderation' – a reference to President Pervez Musharraf's constant refrain describing the Pakistani military's ostensible shift from state-sponsored Islamist militancy and religious orthodoxy to something else (just what is not entirely clear).

"Others arrested included Hina Jilani, the UN special rapporteur on the situation of human rights defenders, and 40 others, this writer included (an observer, not a runner – too many cigarettes). The police, faced with embarrassing media coverage, released us a few hours later.

"The marathon was organized by the Human Rights Commission of Pakistan and affiliated nongovernmental organizations in the light of recent 'marathon politics' in Pakistan. Until early April, it was government policy to encourage sporting events for women, so Punjab Province organized a series of marathons in which men and women could compete. The brief experiment

ended abruptly on April 3, when 900 activists of the Islamist alliance, the Muttahida Majlis-e- Amal, or MMA – which was effectively created as a serious political force by Musharraf and is backed by the military – attacked the participants of a race in the town of Gujranwala.

“According to a government statement at the time, the MMA activists were armed with firearms, batons and Molotov cocktails. Yet within days the activists were released without charge and Musharraf’s government had reversed its policy of allowing mixed-gender sporting activities in public.” [13b]

- 6.132 However, an editorial in the *Pakistan Observer* of 23 May 2005 reported that “ASMA Jehangir of the Human Rights Commission has ultimately succeeded in holding the mixed marathon in the name of civil liberties in Lahore on Saturday [21 May 2005]. The Lahore administration, however, did not intervene though changed the route from Liberty Chowk to Qadhafi Stadium instead of Kalima Chowk. Asma Jehangir later said that the event has proved that Lahorites are enlightened and conscious people.” [33]

- 6.133 A news item dated 29 January 2006 released by the Human Rights Commission of Pakistan stated that:

“Lahore Marathon 2006 was held smoothly on January 29 and the Punjab government effectively dealt with mullahs violently opposing the race.

“Thousands of men, women and children participated in the event enthusiastically. Most of the participants were children and young people, especially school, college and university students.

“Although it was a healthy activity, mullahs and certain religious organisations began to oppose and resist the event. The Punjab government on the other hand encouraged people to participate in the event.

“Majlis-e-Amal (MMA) activists at various points on the Marathon route. Police said it baton charged and tear gassed the activists and arrested about 100. The clashes occurred on Lower Mall, near Qaddafi Stadium, Masjid-e-Shuhda and Upper Mall before and after Friday prayers. Police cordoned off various locations. About 1,000 IJT activists took part in the largest protest that came out of Islamia College, Civil Lines. The activists also started tearing banners and posters of the Lahore marathon and tried to disrupt the arrangements made by the City District Government and event organisers.” [27c]

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NATIONAL COMMISSION ON THE STATUS OF WOMEN

- 6.134 On the ‘FAQ’ (Frequently Asked Questions) page of the Government of Pakistan’s ‘National Commission on the Status of Women’ website, it is reported that:

“National Commission on the Status of Women (NCSW) is a statutory body established in the year 2000 by the president of Pakistan, under the Ordinance No. XXVI 2000 dated 17th July 2000.

The main goal or objective of the Commission is emancipation of women, equalization of opportunities and socio-economic conditions amongst women and men and elimination of all sorts of discriminations amongst women.

The main functions of the Commission, include the examination of the policy, programmes and other measures taken by the government for women development and the review of all policies, laws, rules and regulations affecting the status and rights of women and gender equality in accordance with the Constitution.” [29f] (p1)

- 6.135 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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. During visits to New Zealand in June and the United States in September [2005], President Musharraf criticized domestic and international women’s organizations for highlighting the issue of rape and violence against women in the country. In an interview with the *Washington Post*, the president stated that rape was becoming a ‘money making concern,’ and ‘a lot of people say that if you want to go abroad and get a visa from Canada or citizenship and be a millionaire, get yourself raped.’ He made similar remarks during a government-sponsored conference on women’s rights in Islamabad in September [2005].” [2b] (section 5)

FAMILY LAW AND MARRIAGE

- 6.136 The legislation known as the Muslim Family Laws Ordinance, 1961, 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 lays down the grounds on which a woman may divorce her husband. [31] (p1) The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated that an adult male is defined as having attained the age of 18 years, a female as having attained the age of 16, or reached puberty. [14b] (p1)
- 6.137 The Integrated Regional Information Networks (IRINNEWS.ORG) 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.” [41c] (p2)
- 6.138 The US State Department International Religious Freedom Report 2005, published on 08 November 2005, stated that:
- “Civil marriages do not exist; marriages are performed and registered according to one’s religion. The marriages of Hindu or Christian men remain legal upon conversion to Islam but are considered dissolved for marriages of Hindu or Christian women or of other non-Muslims that were performed under the rites of the previous religion. 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)

- 6.139 The US State Department Report 2005 (USSD 2005), published on 08 March 2005, noted that:

“While the government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriages 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 2005 Report]).” [2b] (section 1f)

- 6.140 The USSD 2005 Report 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. 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](#))

- 6.141 The same report noted that “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 years of age.” [2b] (section 5)

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DOMESTIC VIOLENCE

- 6.142 The US State Department Report 2005 (USSD 2005), published on 08 March 2006 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 134 cases of stove deaths, many of these related to disputes with in-laws.

“According to the HRCP, 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)

- 6.143 Following allegations of abuse at a woman’s shelter in Hyderabad, the Integrated Regional Information Networks (IRINNEWS.ORG) reported on 16 August 2004 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.” [41a] (p1)

- 6.144 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.” [41a] (p1-2)

(See also Section 6.B, sub-section on [Assistance available to women](#))

HONOUR KILLINGS

- 6.145 The 2005 Freedom House report on Pakistan stated that:

“According to the HRCP [Human Rights Commission of Pakistan], at least 600 women were killed by family members in so-called honor killings in 2003. Usually committed by a male relative of the victim, honor killings punish women who supposedly bring dishonor to the family. In October 2004, the lower house

of parliament passed government-backed legislation introducing stiffer sentences and the possibility of the death penalty for those convicted of honor killings. However, given a prevailing environment where authorities generally do not aggressively prosecute and convict the perpetrators of violence against women, activists questioned the effectiveness of the bill.” [19] (p7)

- 6.146 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that “Honor killings continued to be a problem, with women as the principal victims. Local human rights organizations documented 1,211 cases during the year, and many more likely went unreported...” [2b] (section 1a)

- 6.147 The USSD 2005 Report further reported that:

“Honor killings and mutilations occurred during the year...Women were often the victims at the hands of their husbands or male relatives. No accurate statistics exist on the number of honor crimes committed during the year. However, human rights groups believed that such incidents were fairly common, with the majority occurring in Sindh. The practice was also common in Punjab and among tribes in Baluchistan, NWFP, and FATA. On January 4, President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and restricts the right of victims or heirs to pardon perpetrators in exchange for restitution.” [2b] (section 5)

- 6.148 The Human Rights Watch World Report 2006 recorded that:

“According to Pakistan’s Interior Ministry, there have been more than 4,100 honor killings in the last four years. Nongovernmental groups recorded over 600 honor killings in 2004. Proposed legislation on honor killings drafted in consultation with nongovernmental organizations (NGOs) was sidelined in favor of a far weaker bill. Consequently, provisions of Pakistani law that allow the next of kin to ‘forgive’ the murderer in exchange for monetary compensation remained in force, and continued to be used by offenders to escape punishment in cases of honor killings.” [13a] (p1)

- 6.149 The Foreign and Commonwealth Office’s Annual Report on Human Rights 2005 stated that one of their Global Opportunities Fund projects was:

“A two-year project working with the British Council and Samina Khan to raise objection to ‘honour killings’, reaching people in the rural areas, and enhancing the role of women in government by assisting them to oppose honour killings. The approach includes a series of high profile awareness campaigns in rural areas of Sindh and Punjab provinces, including street theatre, video plays, seminars, handouts in local languages and posters. Expenditure for financial year 04/05: £37,100.” [11c] (p263)

- 6.150 The Integrated Regional Information Networks (IRINNEWS.ORG) reported on 20 May 2005 that:

“The international NGO, Oxfam, has launched a campaign to fight the increasingly common practice of ‘honour’ killings in Pakistan’s remote southern province of Balochistan...’In recent years, the threat of violence in women’s lives has significantly increased. More and more women are being harassed, raped, and murdered by close relatives for personal, sexual and financial gains but in most cases it goes unnoticed,’ Dr Arif Mehmood, campaign manager at

Oxfam told IRIN in Quetta, the capital of Balochistan province. 'Women, regardless of their age, are being killed to settle disputes, acquire land, or pay off debts. But 'honour' is used as a convenient cover to legitimise crimes against women,' Mehmood noted...Oxfam aims to reduce the social acceptance of such killings through a six year campaign aiming to achieve a significant decrease in the number of women killed under the banner of 'honour'...According to statistics compiled by Pakistan's leading rights body, the Human Rights Commission of Pakistan (HRCP), a total of 579 people, 546 of them women, fell victim to the practice of honour killing during 2004. Different names were used for the crime in different parts of the country...This campaign is a part of Oxfam's South Asia regional campaign to end violence against women that involves more than 400 civil society groups and organisations in Bangladesh, India, Nepal, Pakistan and Sri Lanka.

"The campaign started in the Bolan, Sibbi, Naseerabad, Ja'ffarabad, Jhal Magsi and Khuzdar districts of Balochistan province. The 'We Can End Honour Killing' campaign will be launched in November this year and operate in 17 districts of Sindh, Punjab and North West Frontier Province (NWFP)." [41d]

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RAPE

6.151 As recorded in the US State Department Report 2005 (USSD 2005), published on 08 March 2006, "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 rape victims reported less than one-third of rape cases to the police. Police were at times implicated in the crime." [2b] (section 5)

6.152 The USSD 2005 Report 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 frequently. Courts, police, and prosecutors at times refused to bring rape cases when Koranic standards of evidence could not be met." [2b] (section 5)

6.153 The same report noted that:

"Police 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)

6.154 The USSD 2005 Report 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 the repeal of the Hudood Ordinances. On January 4, President Musharraf signed a bill into law 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. The percentage of the female prison population awaiting trial on such Hudood charges declined significantly to approximately 33 percent.” [2b] (section 5)

6.155 The Human Rights Watch World Report 2006, issued 18 January 2006, recorded that:

“Domestic and international human rights organizations and media drew attention this year to the government’s dismissive attitude regarding violence against women. In January 2005 Shazia Khalid, a doctor, was raped by a masked intruder alleged to be an army officer in Balochistan province. Khalid, who subsequently fled to London, accused President Musharraf’s principal secretary of acting on behalf of the Pakistan Army in personally coercing her to leave the country. Mukhtaran Mai, who was gang-raped on the orders of a village council in 2002, was denied permission to travel to the United States in June, in order to prevent her from ‘maligning’ Pakistan. The ban was lifted after an international outcry.” [13a] (p2)

6.156 On 06 September 2005, the Integrated Regional Information Networks, IRINNEWS.ORG, reported that:

“‘The times when women, fearing social stigma, refused to report such crimes or were too scared and ashamed to do so are changing,’ Mehboob Ahmed Khan, legal officer at the HRCP [Human Rights Commission of Pakistan], said.

“The HRCP said it had details of more than 250 incidents of rape and gang-rape in the first six months of 2005 alone. The fact that the figures are significantly higher than in the same period of 2004 is put down to an increase in the reporting of such crimes by victims.

“‘This is a huge triumph and shows rights campaigners have succeeded in at least convincing women victims of rape that they must come forward, and must not blame themselves for what happened to them,’ Khan said.” [41b] (p2)

ASSISTANCE AVAILABLE TO WOMEN

- 6.157 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“The government 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 (SUCH), which operated a shelter for abused women, provided rehabilitation assistance (shelter, employment counseling, and legal aid) to 49 women. An additional 107 women received legal or financial assistance from SUCH during the year. Provincial governments operated shelters for women in distress at the district level. In some cases, women were abused in the shelters. For example on August 13, Kanwal fell from the roof of the shelter in Hyderabad while trying to escape what other shelter residents reported were abusive conditions. Kanwal died the next day. A preliminary inquiry charged the night staff of the shelter with neglect for failing to provide adequate first aid and for failing to summon medical assistance immediately.” [2b] (section 5)

(See also Section 6.B, sub-section on [Domestic violence](#))

- 6.158 The CRIN (Child Rights Information Network) website published research by MADADGAAR (a protection and referral centre) dated 06 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)

- 6.159 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)

- 6.160 With regard to victims of trafficking, the USSD 2005 Report 2005 noted that:

“The government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 13,967 citizens trafficked to the Middle East. Of these, 147 were camel jockeys from the UAE and 10,584 were laborers from Oman. In March [2005] the government opened its first model shelter specifically for trafficking victims. There were 276 additional district-run emergency centers for women in distress where they 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 personally was 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.

“With the establishment of a dedicated ATU, treatment of trafficking victims improved significantly. Unlike in previous years, there were no reports of police treating trafficking victims as criminals or threatening them with prosecution for adultery or fornication. 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.

“Several 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)

(See also Section 6.A, sub-section on [People trafficking](#))

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TREATMENT OF WOMEN IN DETENTION

- 6.161 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, stated that:

“Authorities established special women’s police stations with all female staff 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 male police often detained and interrogated women at regular stations. According to women’s rights NGOs, there were approximately 3,389 women in jail nationwide at year’s end.” [2b] (section 1c)

POLITICAL REPRESENTATION

- 6.162 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

“There were 73 women in the 342-seat national assembly, 5 women in the cabinet; and none in the Supreme Court. Women have 60 reserved seats in the national assembly. Women also have 128 reserved seats 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. The PML and PPP prohibited their local leaders from entering into agreements that would prevent women from standing for or voting in the local elections. The ECP invalidated union council elections in parts of NWFP where women were not allowed to vote. Provincial chief ministers named women to serve in their cabinets.” [2b] (section 3)

(See also Section 4, sub-section on [Political events and terrorism in 2005](#), re women's participation in these elections)

PROPERTY AND INHERITANCE RIGHTS

6.163 The USSD 2005 Report further recorded 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 years of age." [2b] (section 5)

(See also Section 6.B, sub-section on [Discriminatory legislation](#))

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CHILDREN

OVERVIEW

6.164 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated "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." [14b] (p1)

6.165 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that:

"The Supreme Court indefinitely suspended a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for juveniles that provides numerous protections for juvenile offenders not found in the normal penal code. Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that 3,430 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)

6.166 A June 2005 publication by Amnesty International, 'Death Penalty News', stated that "Appeals against the revocation by the Lahore High Court in December 2004 of the Juvenile Justice System Ordinance, which banned the execution of

child offenders, (see DP News December 2004) are currently pending in the Supreme Court of Pakistan. The revocation has been stayed until the Supreme Court reaches a decision.” [4b] (p5)

(See also Section 5 on [Prisons and prison conditions](#))

6.167 The USSD 2005 Report noted 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](#))

6.168 The USSD 2005 Report recorded that:

“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...and at times sold daughters to be raped by landlords. The legal age of marriage for males is 18, and 16 for females, and there are no provisions to allow marriages at a lower legal age with parental consent. No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading of girls as young as 11 into marriage was reportedly common practice among the Pashtun subtribes.

“Trafficking and commercial sexual exploitation were problems...

“Child labor was a significant problem...

“NGOs like Sahil, Sparc, 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)

6.169 The USSD 2005 Report 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...” [2b] (section 6d)

6.170 The USSD 2005 Report 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. For example 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 (PKR 364) in the NWFP to an average of \$121 (PKR 7,280) in Baluchistan – were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (PKR 20 thousand). Penalties often were not imposed on those found to be violating child labor laws.” [2b] (section 6d)

6.171 The USSD 2005 Report recorded 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.” [2b] (section 6d)

6.172 The USSD 2005 Report also stated that:

“The law prohibits 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 (PKR 50 thousand) in fines.” [2b] (section 6c)

6.173 The USSD 2005 Report 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](#))

6.174 The 2005 Freedom House report on Pakistan stated that “The enforcement of child labor laws continues to be inadequate; recent surveys indicate that there are at least eight million child workers in Pakistan.” [19] (p482)

(See also Section 6.A, sub-section on [Employment rights](#))

6.175 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted 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. Children were also the most affected by the October 8 earthquake, where the UN Children’s Fund (UNICEF) estimated that half of the 73 thousand deaths were children. NGOs estimated that approximately 2 million children were adversely affected in the NWFP and the Azad Jammu Kashmir quake zone.” [2b] (section 5)

CHILD CARE ARRANGEMENTS

- 6.176 An article published on the ‘Women’s e-News’ website dated 17 October 2004 reported that:

“Baby girls are discarded in huge numbers in Pakistan and an outdoor “cradle program” for drop-offs merely stem the loss. Social workers trace the problem to parents – often middle class – who regard female offspring as financial liabilities... There are no studies available on the number of children abandoned annually in Pakistan but Edhi [the Edhi Foundation] personnel are involved in the recovery of an average of 1,500 babies a year through the foundation’s “jhoola baby” (cradle baby) program. Thousands more, they fear, are simply never found. Of the babies recovered, an overwhelming majority – 80 percent – are female... In 1970, two decades after he began the Edhi Foundation – South Asia’s largest indigenous private social service network – Abdul Sattar Edhi installed the first cradle outside one of his Karachi-based centers. These days there are 315 such cradles across Pakistan and the “cradle baby” program saves an average of 650 abandoned children a year... After the children receive a bill of clean health they are put up for adoption. Since 1970, 15,000 cradle babies have been placed in adoptive homes. Those who are not adopted – about 40 percent – remain under the foundation’s protection, with Edhi himself as their legal guardian until they reach 18.” [43] P1-2)

- 6.177 The Pakistan page of SOS Children’s Villages website, accessed 03 March 2006, reports that the charity has seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarbad and Sialkot, offering schooling, medical services and vocational training to those in need. [28]

(See also Section 5, sub-section on [Military service](#))

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 6.178 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that:

“Homosexual intercourse is a criminal offence; however, the government rarely prosecuted cases.

“Homosexuals did not reveal openly 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)

- 6.179 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)

- 6.180 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 through 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)

- 6.181 The 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

6.182 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, noted that:

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and 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. According to a UN High Commissioner for Refugees (UNHCR)/government survey completed during the year, approximately 3 million Afghan refugees remained in country. The government continued to work closely with the UNHCR to provide support to this population. The government cooperated with UNHCR in the voluntary repatriation of 365,575 Afghan refugees during the year." [2b] (section 2d)

6.183 The USSD 2005 Report also reported that:

"Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence community harassed refugees during their search for al-Qa'ida. Some female 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. Approximately 300 thousand Biharis, Urdu-speaking non-Bengali Muslims from Bangladesh, continued to campaign for resettlement in the country.” [2b] (section 2d)

6.184 A UNHCR News Story dated 22 September 2005 reported that:

“The Afghan repatriation, now in its fourth year, is the biggest organized repatriation operation globally in 2005, and, taken in its entirety, is easily the largest such operation in history...Since UNHCR’s repatriation programme began in 2002, after the fall of the Taliban regime, a total of 2.9 million Afghans have returned from Pakistan and 1.3 million from Iran. A census of Afghans living in Pakistan, conducted earlier this year [2005], showed that some three million remain in the country – or triple the number remaining in Iran, which is estimated to be around 900,000.” [20c] (p1-2)

6.185 The same News Story further stated that:

“The decision by the Government of Pakistan to close all refugee camps in the Federally Administered Tribal Areas (FATA) has triggered a sharp increase in the number of Afghans opting to return. The most recent closures affected more than 100,000 people. The majority have chosen to repatriate with UNHCR assistance, while others accepted the Pakistan government’s offer of relocation to another existing camps. The order to close the camps was given on security grounds. Most of the returns have been to Afghanistan’s eastern provinces of Paktya, Khost and Nangarhar.” [20c] (p2)

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“AZAD” KASHMIR

INTRODUCTION

6.186 A BBC News ‘Q & A’ on the Kashmir dispute published on 7 April 2005 reported 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)

6.187 The report also stated 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)

6.188 The same report also recorded 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)

LINE OF CONTROL

6.189 The BBC report of 7 April 2005 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)

6.190 The same report noted that “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] (p5)

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CURRENT SITUATION

6.191 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)

- 6.192 The Foreign and Commonwealth Office’s Country Profile on Pakistan, reviewed on 22 April 2005, recorded that:

“On 7 April 2005 the first bus service since 1947 between Muzaffarabad in Pakistani administered Kashmir and Srinagar on the Indian side of the line of control was inaugurated.

“President Musharraf visited New Delhi from 16 to 18 April 2005 for talks with Prime Minister Manmohan Singh and to watch a one day cricket match between the two countries. Their joint statement stated that ‘they determined that the peace process was now irreversible.’” [11b] (p5)

- 6.193 Following talks between Pakistan and India in January 2006, the BBC reported on 18 January 2006 that:

“India and Pakistan have reaffirmed their commitment to peace, but made no apparent progress on the key Kashmir issue after two days of talks in Delhi. Both sides agreed not to build any new defence posts along the Line of Control (LoC) which divides disputed Kashmir. The talks in India’s capital were aimed at settling long-standing differences between the nuclear rivals. Peace moves between the nations – who have fought three wars since 1947 – began two years ago but have slowed in recent months...Speaking after the talks, Indian foreign secretary Shyam Saran and his Pakistani counterpart Riaz Mohammed Khan said the two sides hoped to open a new bus route by March or April. The service would link the towns of Poonch in Indian-administered Kashmir and Rawalakot on the Pakistani side of the LoC. The first such route, joining Srinagar and Muzaffarabad, opened last year. Consulates in Karachi and Mumbai (Bombay) will reopen shortly and agreements which will reduce the risk of nuclear accidents should soon be finalised, the two men said. Discussions are also to be held on opening two more designated meeting points on the LoC. Five such points were set up to help people in the wake of the 8 October earthquake...Mr Khan said the talks had been friendly, but the future was ‘challenging’. Even while acknowledging the steps made, Mr Saran accused Islamabad of not doing enough to prevent militants entering Indian-administered Kashmir. ‘There should be a serious attempt from Pakistan to bring terrorism under control,’ he said, warning any attacks on India could affect the peace process. Earlier this month, Pakistani President Pervez Musharraf called for a pull-out of Indian army troops from three cities in Indian-administered Kashmir. While the proposal received some support in Kashmir, it was rejected by India which says it needs the troops to fight armed militants. There has also been a sharp exchange between both countries over unrest in the Pakistani province of Balochistan.” [35e]

- 6.194 On 18 February 2006, the BBC reported that:

“A second rail link between Pakistan and India has been reopened, four decades after it was shut down when the two nations were at war. The new Thar Express train will connect the border towns of Munabao in the Indian state of Rajasthan to Khokrapar in Pakistan’s Sindh province...The two countries resumed a train service between Lahore in Pakistan and Amritsar in India in 2004. The decision to reopen the rail link is yet another step in a peace process that began in January 2004 and which has seen the easing of a

number of travel restrictions... Pakistan will operate the two-way service every Saturday for the first six months of the year, and India will take over for the second half of the year. The Samjhauta (Friendship) Express, which runs across the Wagah crossing point in the Punjab, was restored in January 2004 after a two-year suspension.” [35m]

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NORTHERN AREAS

- 6.195 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, recorded that:

“Inhabitants of the northern areas (Gilgit, Hunza, and Baltistan) were not covered under the constitution and had no representation in the federal legislature. An appointed civil servant administered these areas; an elected Northern Areas Council served in an advisory capacity. Members of the Azad Jammu Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocating for an independent Kashmir were not allowed to stand in elections.” [2b] (section 3)

TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS

- 6.196 The US State Department Report 2005 (USSD 2005), published on 08 March 2006, 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)

- 6.197 A 2005 Freedom House report on Pakistan stated that “Although the military regime generally tolerates the work of nongovernmental organizations (NGO’s), in recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas.” [19] (p5)

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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. First war with India over disputed territory of Kashmir.
- 1951** Jinnah's successor Liaquat Ali Khan is assassinated.
- 1956** Constitution proclaims Pakistan an Islamic republic.
- 1958** Martial law declared and General Ayyub Khan takes over.
- 1960** General Ayyub Khan becomes president.
- 1965** Second war with India over Kashmir.
- 1969** General Ayyub Khan resigns and General Yahya Khan takes over.
- 1970** Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.
- 1971** East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.
- 1972** Simla peace agreement with India sets new frontline in Kashmir.
- 1973** Zulfikar Ali Bhutto becomes prime minister.
- 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.

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- 1988** **August:** General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.
November: Benazir Bhutto's PPP wins general election.
- 1990** Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.
- 1991** Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.
- 1992** Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.
- 1993** President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.
- 1996** President Leghari dismisses Bhutto government amid corruption allegations.
- 1997** Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.
- 1998** Pakistan conducts its own nuclear tests after India explodes several devices.
- 1999** **April:** Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.
May: Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.
October: 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.
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.
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.
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.
October: India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir for almost a year.
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.
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December: India, Pakistani mass troops along common border amid mounting fears of a looming war.

2002 January: President Musharraf bans five militant groups (Lashkar-e-Taiba, Jaish-e-Muhammad, Sipah-e-Sahaba Pakistan, Tehrik-e-Jafria Pakistan and Tahrik-e-Nifaz-e-Shariat-e-Muhammadi). [20d] (p1)

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

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

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.

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.

June: Britain and USA maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.

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

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.

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.

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

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

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.

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

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

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

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

May: Pakistan readmitted to Commonwealth.

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

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.

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

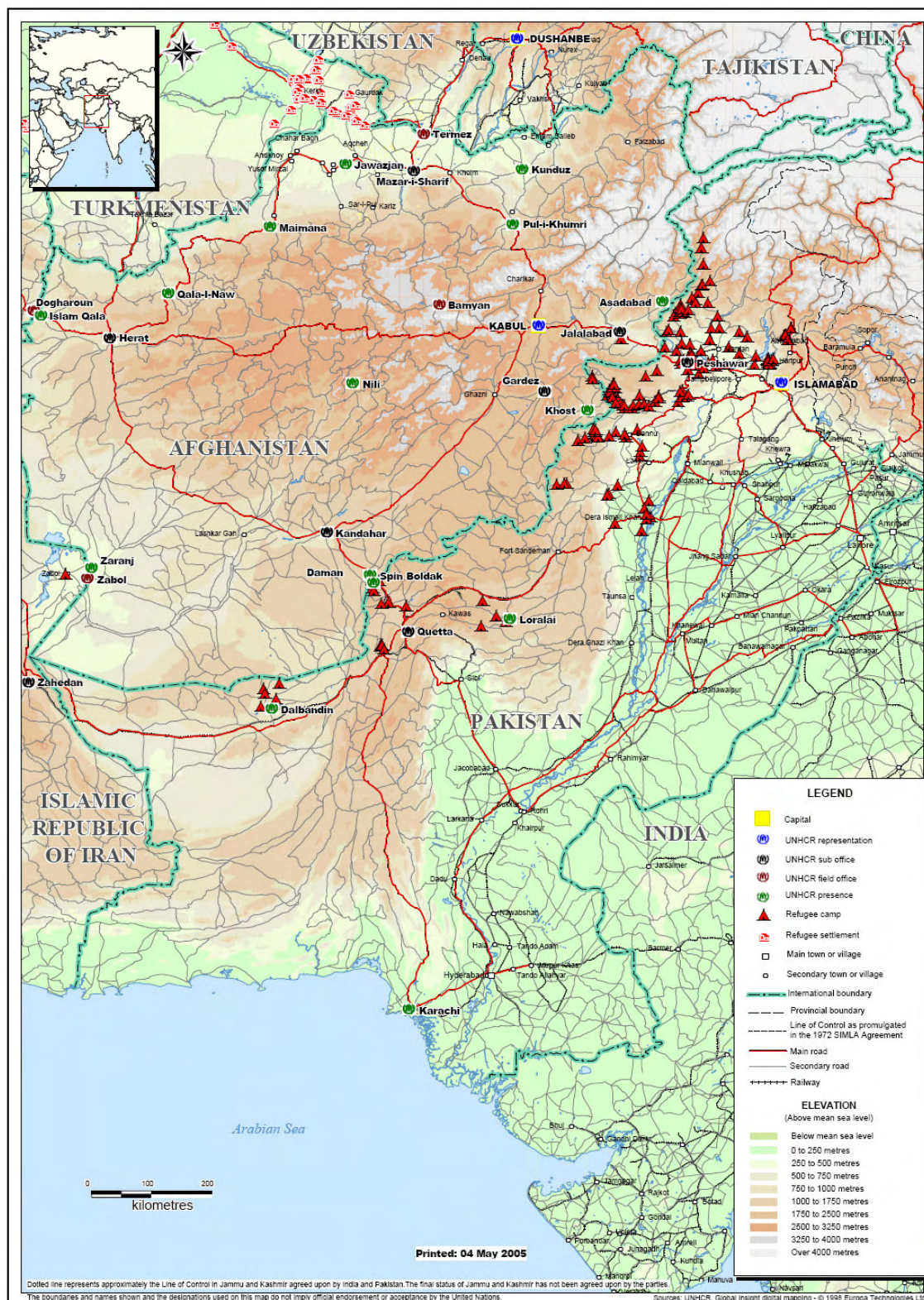
December: President Musharraf announces that he will stay on as head of the

army. He had previously promised to relinquish the role.

- 2005 January:** Tribal militants in Baluchistan attack facilities at Pakistan's largest natural gas field, forcing closure of main plant.
- 7 April:** Bus services, the first in 60 years, operate between Muzaffarabad in Pakistani-administered Kashmir and Srinagar in Indian-controlled Kashmir. More than 200 suspected Islamic extremists are detained at premises which include religious schools and mosques. The move comes after deadly attacks in the British capital; three of the bombers visited Pakistan in 2004.
- August:** Pakistan tests its first, nuclear-capable cruise missile.
- 8 October:** An earthquake, with its epicentre in Pakistani-administered Kashmir, kills tens of thousands of people. The city of Muzaffarabad is among the worst-hit areas.
- 2006 January:** Up to 18 people are killed in a US missile strike, apparently targeting senior al-Qaeda figures, on a border village in the North.
- February:** More than 30 people are killed in a suspected suicide bomb attack and ensuing violence at a Shia Muslim procession in the north-west.

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Annex B: Maps



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Annex C: Political parties and militant groups

ALL PAKISTAN MOHAJIR STUDENTS ORGANISATION (See MUTTAHIDA QUAMI MOVEMENT)

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE (APHC)

Reported by the BBC on 14 June 2005 as being the main separatist alliance in Indian

administered Kashmir. The party is currently split into moderate and hard-line factions, the former being led by Mirwaiz Umar Farooq, the latter by Syed Ali Geelani. [35u] Jane's Terrorism and Insurgency Centre website noted that the Srinagar-based APHC purports to represent non-militant groups in finding a peaceful resolution to the Kashmir dispute. [36b] (p2)

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 HAKAKAT-UL-MUJAHIDEEN - HuM)

HAKAKAT-UL-MUJAHIDEEN (HuM) (Movement of Holy Warriors) (Believed to have also operated as Jamiat-ul-Ansar)

Jane's Terrorism and Insurgency Centre website noted that the HuM was founded in 1985 and reports that:

"The Harakat-ul-Mujahideen (HuM; Movement of Holy Warriors), was formerly known as Harakat-ul-Ansar (HuA; sometimes Harkat al-Ansar; Ansar is Arabic for 'helpers') but there is confusion over nomenclature, partly because the usual splits have occurred in groups, giving rise to sometimes short-lived factions, but also through planned renaming in attempts to mislead governments which have banned or otherwise sought to neutralise the activities of specifically-named militant organisations and their supporters...The HuM was formed in Pakistan/Afghanistan by members of the breakaway Harakat ul-Jihad-ul-Islami (HUJI). Later the two groups re-merged in October 1993, calling themselves HuA. They reverted back to the HuM nomenclature after the US government had labelled the HuA a terrorist organisation in 1997. Remaining members of the group(s) can variously be described as belonging to the HuM, HuA or HUJI.

The US Government designated HuM [sic] and HuA [sic] as Foreign Terrorist Organisations on 24 September 2001, and HUJI appeared on the State Department list of 'Other Terrorist Groups' of 30 April 2004.

In October 2003 the Government of Pakistan ordered that HuM and associated groups' offices be closed and their activities terminated. The HuM is believed to have continued operating under the name Jamiat-ul Ansar. Other names used have been al-Hadid, al-Hadith and al-Faran...Active, but its activities have been greatly reduced since 1999 when the Jesh-e Mohammadi (JeM) (qv) was formed as a splinter or cover group with almost identical aims...Various figures have been identified as HuM leaders. Masood Azhar was the group's general secretary and described as their most important military commander and strategist. His defection from the group in 1999 to establish JeM contributed to marginalisation of the HuM/HuA as such. Fazlur Rahman Khalil is believed to be the HuM's overall commander for Pakistan and holds the official title of Amir of the HuM; the US State Department has also identified Maulana Sadaatullah Khan as HuM leader, and it is probable that he is the most senior commander in IAK [Indian-administered Kashmir].

The HuM has separate branches which deal with training, operations and finances. The group's command structure has been in disarray since the end of 1999, because it

lost most of its experienced field commanders to the Jesh-e Mohammadi.” [36a] (p1-5)

HIZBUL MUJAHIDEEN (HM) (AKA HIZB-UL MUJAHIDEEN)

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – reports that the HM was founded in 1989 by Master Ahsan Dar, together with Mohammad Abdullah Bangroo. Initially (and briefly) called Al Badr, it is still active and is not a member of the APHC; as of April 2003 it was on the US Government list of ‘Other Terrorist Groups.’ [36b] (p2) Jane’s TIC records that:

“HM is the militant wing of the Jamaat-e-Islami political party of Pakistan, and is based in Pakistan-administered Kashmir (PAK), with operational cells in Indian-administered Kashmir (IAK), known in India as Jammu and Kashmir...In the late 1990s, HM lost influence with the Pakistan government as a result of strained relations between the government and Jamaat-e-Islami as well as President Musharraf’s growing distrust militants [sic] in general...HM seeks to establish a merger of IAK with PAK and to turn the region into an Islamised entity. This latter ambition does not have great appeal for the Islamabad leadership, neither is it attractive for the majority of Kashmiris in IAK.

“Syed Salahuddin (or Salauddin), alias Maulvi Yousuf Shah, [leader of the HM], is based in Muzaffarabad in PAK, although he is officially banned from the region by the Pakistan government...HM’s chief commander of operations Saif-ul-Islam, alias Ghulam Rasool Khan alias Engineer Zaman was killed in a major operation by Indian security forces in April 2003. He was replaced by Ghazi Nasiruddin at a meeting of the HM’s command council. After Nasiruddin was in turn killed in January 2004, he was replaced by Ghazi Shahabuddin. On 7 May 2004 Ghazi Shahabuddin was also killed by Indian forces. On 11 May it was announced by the ‘Central Executive Committee’ of the HM that Ghazi Misbahuddin had been appointed the new operational ‘commander-in-chief’. Nothing is known of Misbahuddin’s antecedents.

“As of mid-2004 most of HM’s senior and experienced operational commanders within IAK had been killed or otherwise neutralised, mostly by Indian forces, but some by breakaway militant factions intent on avenging internal disputes. It is assessed that the severe blows inflicted on the HM’s command structure are verging on the terminal, and that the organisation, although continuing to be dangerous and capable of carrying out random attacks, is being gradually ground down.” [36b] (p2-3)

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

JAISH-E-MOHAMMAD (JESH-E-MOHAMMADI) (JeM) (Also see JAMIAT-UL-FURQAN)

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 five other groups. [24b] (p45693)

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – noted that, although officially launched in March 2000, its founding date is usually given as December 1999, following the release of its founder (Maulana Masood Azhar) from prison in India. Jane’s TIC reports that it is an active, radical Sunni group, and is known as “Jesh-e-Mohammadi (Army of the Prophet Mohammad: JeM), or (and more usually) Jaish-e-Mohammad, or sometimes Jaish-e-Mohammed-e-Tanzeem. One alternative name is Khuddam-ul-Islam, under which it was banned in Pakistan in November 2003...On 23 December 2003 the State Department announced it had “amended the designation of Jaish e-Mohammed pursuant to Executive Order 13224 to add the following names as aliases: Khuddam-ul-Islam, Khudamul Islam, Kuddam e Islami”. [36c] (p2)

Jane's TIC also noted that:

"In addition to being proscribed in India and Pakistan, the group is included in the US list of Foreign Terrorist Organisations, publicised on 19 October 2004....JeM has close political ties with Jamiat-i-Ulema-i-Islam (JUI), a radical, pro-Taliban group... It is allied to the Lashkar-e-Taibyya (LeT) with whom it has conducted joint operations, and Lashkar-e-Jhangvi (LeJ). The group is part of the United Jihad Council, which includes Harakat-ul-Mujahideen (HuM); the LeT; LeJ; Hizb-ul-Mujahideen (HM); Al Badar.

"The JeM has also been closely associated with the Taliban and Al-Qaeda network which brought it into contact with a wide array of Islamist movements from the Middle East, Asia and Africa.

"JeM leaders have also been associated with the radical Sunni organisation Sipah-e-Sahaba Pakistan (SSP) which has strong representation in Karachi." [36c] (p2-5)

Jane's TIC further reports that:

"The group's declared primary aim is to unite Indian administered Kashmir (referred to by the group as Indian occupied Kashmir) with Pakistan. It also retains a Pakistani domestic agenda – to establish a radical Islamist state in Pakistan. Some of its allies endorse the wider aims of establishing an Islamist caliphate across south Asia, and expelling Hindus from the Indian subcontinent. The group is a radical Deobandi Sunni organisation, opposed to the presence of Shias, Christians, Hindus and Jews in Pakistan.

"Maulana Masood Azhar graduated from the Jamiya Uloom-e-Islamic madrassa in the Binori mosque, established by Maulana Yusuf Binori in 1948. The madrassa was one of those chosen by the ISI to undertake military as well as religious instruction...In May 2000, following an attack on a car outside the Binori mosque which killed Maulana Mohammad Yousuf Ludhianvi and his driver, tributes by the JeM referred to Ludhianvi as the supreme leader of the group, and Azhar as chief commander. Ludhianvi was also noted as Commander in Chief of Sipah-e-Sahaba Pakistan (SSP), indicating the close links between the two organisations.

"The exact command structure of the JeM is unknown. Maulana Masood Azhar holds the title Amir, but he was believed to have been warned of his impending arrest by the Pakistani authorities in December 2001 and appointed a deputy, possibly Osama Nazir, who was arrested in Faisalabad on 18 November 2004.

"The group has a leadership council, whose members include the following prominent figures, most of whom are former HuM leaders:

"Maulana Qari Mansoor Ahmed – information/public relations;
Maulana Abdul Jabbar – military;
Maulana Sajjad Usman – finance;
Shah Nawaz Khan (Sajjid Jihadi or Gazi Baba) – commander Jammu and Kashmir;
Maulana Mufti Mohammed Asghar – commander.

"Membership and Support

"Following the establishment of the organisation, it is believed that some three quarters of the armed volunteers fighting with the HuM defected to the JeM. Most members are

Pakistanis and urban based Kashmiris, although it does have some Arab and Afghan members. The US State Department puts its armed forces at several hundred, although exact figures are difficult to determine because mujahid can belong to more than one organisation, and frequently change allegiances. [36c] (p3-5)

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 but was placed under surveillance when President Musharraf banned six 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) The JUI (Islamic Party of Religious Leaders) is led by Maulana Fazlur Rehman, a pro-Taleban cleric, who is also the general secretary of the six-party religious alliance the Muttahida Majlis-e-Amal. [35r]

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 (see HARKAT-UL-MUJAHIDEEN)

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that the group was originally founded in 1965 as the Jammu and Kashmir National Liberation Front, but soon split. Jane's TIC records that "The group is split in two main factions each calling themselves the JKLF, with a further titled the Jammu Kashmir Democratic Liberation Party...The JKLF (Yasin Malik faction) is now a non-violent organisation seeking peaceful resolution of the Kashmir dispute, but on unrealisable terms."

[36e] (p1-2) The Chairman of one faction is Amanullah Khan, the Chairman of a second faction is Mohammad Yasin Malik and the Chairman of the Jammu Kashmir Democratic Liberation Party is Hashim Qureishi. [36e] (p3) Jane's TIC noted that "Malik is another moderate, who in May-June 2004 was involved in talks aimed at unifying moderates under the aegis of the All Parties Hurriyat Conference (APHC). The talks were unsuccessful, and the split between moderates and militants has if anything widened." [36e] (p4-5)

Jane's TIC further reports that:

"The JKLF factions have little influence in either India or Pakistan, and their impact on upon Kashmiri affairs is negligible. They do not endorse militancy by secessionist groups, but JKLF-led mobs in Indian-administered Kashmir are prone to violence...The various factions of the JKLF are currently not militant, and therefore have no military command structure. However, they retain many vice-chairmen and office bearers,

along with numerous committees, including the National Economic Affairs Committee and the State Minorities and Human Rights Protection Committee...Politically, the group's aims, objectives and demands are promulgated through open letters, seminars, rallies, demonstrations and the Internet." [36e] (2-5)

JESH-E-MOHAMMADI (JeM) (See JAISH-E-MOHAMMAD)

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 1970s, 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 (see JAISH-E-MOHAMMAD - JeM)

LASHKAR-E-JHANGVI (LeJ – Army of Jhangvi) (Also see MILLAT-E-ISLAMIA PAKISTAN)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this radical Sunni group, which follows Deobandi traditions although heavily influenced by Wahhabism, was founded in 1996 and is "Active; banned by the government of Pakistan (14 August 2001); declared a terrorist organisation by the government of the United States (31 January 2003)." [36f] (p2)

Jane's TIC also reports that:

"The LeJ was initially the death squad wing of the Sipah-e Sahaba Pakistan (SSP) (warriors/soldiers of the Prophet's Companions), which was listed as a terrorist organisation by Pakistan in 2002 and consequently banned. Formerly it operated partly as a political party that contested elections. One of its members held office as a government minister...The LeJ aims to establish an Islamist Sunni state in Pakistan based on Sharia law, by violent means if necessary. The group also seeks to have all Shias declared kafirs (non believers; literally, one who refuses to see the truth). Its wider objective is to assist in destruction of other religions, especially Judaism, Christianity and Hinduism." [36f] (p2-4)

Jane's TIC further stated that:

"The LeJ was founded by Muhammed Ajmal (aka Akram Lahori), Malik Ishaque and Riaz Basra, senior members of the SSP who broke away following disillusionment that the group's leaders were not following the ideals established by Maulana Haq Nawa Jhangvi, assassinated, almost certainly by Shia extremists, in 1990...Although Muhammed Ajmal is still officially LeJ leader, operational command is believed to have passed on to minor figures...The SSP claims not to have any links with the LeJ (and vice versa), but the latter was once an integral part of the SSP. The Pakistani authorities dismiss SSP denials and point to LeJ's recruitment of the most dedicated SSP members to its own ranks, and the refusal of the SSP leadership to condemn LeJ violence.

"The LeJ had extremely close links with the Taliban and its members served and assisted the movement in Afghanistan; it is possible that some members of the LeJ and SSP who were on 'most wanted' lists in Pakistan were given sanctuary by the Taliban.

"The LeJ also supports and maintains ties with Harakat-ul-Ansar, Hizb-ulMujahideen, Jamaat-ul Mujahideen, Al-Umar Mujahideen, Al Badar, Tehrik-ul Mujahideen, Harakat-ul-Jihad-ul-Islami, Laskhar-e Tayyiba and Hizb-ul Mujahideen, but the effectiveness of such liaison cannot be judged.

"The LeJ's armed enemies are the Shia militias Tehrik-e Jafria Pakistan (TJP) and Sipah-e Mohammed Pakistan (SMP)...The main areas of operation of the LeJ are Punjab, Sindh and Balochistan Provinces, including an organised presence in Faisalabad, Karachi, Lahore, Jhang, Sargodha and, more recently, Quetta." [36f] (p4-6)

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

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this group is active, and the name has been spelt as "Lashkar-e Tayyiba (LeT; sometimes LT) – Army of the Pure (sometimes 'Righteous'); usually spelt Taiba in US official papers and most general publications; occasionally Toiba in sub-continent newspapers." [36g] (p1-2) Jane's TIC also reports that its affiliations are "Radical Sunni Muslim with Wahhabi influence, but seemingly not exclusively of that persuasion," and that it was "Banned in India, October 2001; designated a Foreign Terrorist Organisation by the US State Department, December 2001; banned in Pakistan, January 2002. It is also listed by the United Nations as "belonging to or associated with the Al-Qaeda organisation". [36g] (p2)

Jane's TIC further records that:

"LeT is the armed wing of Markaz-ud-Dawa-wal-Irshad (MDI: the centre for preaching) – a Pakistan based Sunni religious organisation based in a seminary at Muridke, on the Grand Trunk Road, 30 km north of Lahore...The MDI avoided legalities of the ban on the LeT within Pakistan by renaming itself the Jamaat-ud-Dawa (JD), but this nomenclature is not in common use...The MDI was founded in 1987. In turn, the LeT was formed as its militant wing two years later. Subsequently, Hafiz Mohammad Saeed, a founding member of MDI and a professor at the University of Engineering and Technology in Lahore, became the Amir (leader) of LeT. As the LeT is now a proscribed organisation the location of its operational base(s) is not known, although the MDI as such remains in Muridke.

"The LeT joined the resistance movement against the Soviet occupation of Afghanistan, and in the short period until the Soviets were forced out of the country in 1989 it received aid from both the US Central Intelligence Agency and from the Inter Services Intelligence Directorate (ISI) of Pakistan. After the Soviets' defeat, links remained between the ISI and the LeT even after the CIA withdrew funding...The LeT's overall objective is to Islamise the subcontinent, with a primary aim of 'liberating' Muslims in IAK [Indian-administered Kashmir]. Its declared policy is creation of regional Muslim states – one involving accession of Kashmir to Pakistan, a second formed by the Muslims of North India, and a third formed by the Muslims of South India. The Amir of the LeT called first for a jihad to turn Pakistan into a purely Islamic state and second for the waging of jihad against countries with non-Islamic governments. (And, presumably, against such nations as Shia-ruled Iran.) The Amir cited Chechnya and Afghanistan as models for international jihad. Its main propaganda publication is the monthly magazine Majjala-tul-Dawa, produced under the auspices of Jamaat-ud-Dawa." [36g] (p2-3)

Jane's TIC additionally noted that:

“After Pakistan and the US froze the LeT’s assets in December 2001, he [Hafiz Mohammad Saeed] tendered his resignation saying that he would devote his time to the preaching of religion. During his resignation speech, he appointed Maulana Wahid Kashmiri in his place as LeT commander. It is doubtful that Saeed’s resignation actually took effect, and he can still be considered LeT’s leader, although distancing himself from overt militancy...Leadership at other levels is not known. The name Zaki ur Rehman Lakhvi has been mentioned as the leader within IAK, as has Commander Saifullah, but even if these are not pseudonyms they are meaningless in terms of appreciating the effectiveness or otherwise of their bearers...The LeT’s strength is unknown but it is estimated that there are several hundred well-trained militants in PAK, Pakistan and IAK. Most LeT members were recruited through madrassas in Pakistan and have been taught that jihad, in its most bellicose and intolerant sense, is an essential facet of Muslim regeneration.

“The LeT is composed almost exclusively of non-Kashmiris, with the bulk of its members being Pakistani Punjabis, with some Afghan and Pakistani Pushtuns. There is distinct support for the LeT/MDI in some parts of Pakistan Punjab, but its brutal atrocities in IAK, involving both targeted and random slaughter of innocents, has made the group feared and distrusted.

“The LeT probably continues to maintain links with domestic and regional Islamic extremist groups. It is also associated with Osama bin Laden’s ‘Islamic Front for Jihad against Jews and Crusaders’, and the United Jihad Council (UJC), a loose consultative and planning alliance of militant groups fighting against Indian rule in Kashmir, which has lost much of its effectiveness during 2003-04...Primarily, operations occur within IAK. The group has extended its operations to southern districts, particularly in winter when infiltration becomes more difficult due to reduced visibility and heavy snowfall...The LeT employs hit and run along with suicide tactics to attack security force bases, airports, government installations, police stations, garrisons and patrols. Fidayeen suicide squads number from two to five members. These groups typically storm high-value security force camps, bases and police stations.” [36g] (p3-5)

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

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

MARKAZ-UD-DAWA-WAL-IRSHAD (See LASHKAR-E-TAIBA)

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

Formed as a breakaway faction of the JUI, formerly known as Sipah-e-Sahaba Pakistan (SSP), it changed its name from the SSP when its activities were proscribed in January 2002. It is a Sunni extremist sect, and was banned again under the name **Millat-e-Islamia Pakistan** in November 2003. [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)

MOHAJIR QUAMI MOVEMENT (See MUTTAHIDA QUAMI MOVEMENT)

MUTTAHIDA QAUMI MOVEMENT (MQM)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that:

“Tapping into years of resentment and frustration over official and unofficial discrimination against Mohajirs, Altaf Hussain founded two groups: the All Pakistan Mohajir Students Organisation (APMSO) in 1978 and the Mohajir Qaumi ('National') Movement (MQM) in 1984...The movement suffered a split in June 1992 when disaffected members led by Afaq Ahmed and Aamir Khan launched the MQM Haqiqi (MQM-H) party [Haqiqi = Urdu for 'real']. The Altaf Hussein faction subsequently became known as MQM-A, the title then being altered from 'Mohajir' to 'Muttahida' (United).” [36d] (p3)

Jane's TIC also stated that:

“MQM-A operates as a political party that has formed a part of coalition governments at both federal and provincial levels...The MQM-A rejects religious extremism and has been critical of jihadi groups in Pakistan, as well as the alliance of religious parties, the United Action Front (Muttahida Majlis-e-Amal: MMA). This line is followed by the less popular MQM-H, which has some supporters who are more militant than those of the MQM-A...It is opposed to extremist religious organisations, especially radical Deobandi and Wahhabi Islamic groups.” [36d] (p2-4)

Jane's TIC further records that:

“MQM-A activists are ranged against rival Mohajir groups, principally the MQM-H with which it competes, successfully, for influence among the Mohajir community. Its militants are also involved in violence with other ethnic groups including the Jiye Sindh Movement, which supports the rights of ethnic Sindhis, and Punjabi and Pashtun militants.

“The group's main areas of operation are in Karachi and Hyderabad. The traditional operating areas within Karachi are the Landhi, Korangi and Malir districts.

“MQM extremists have maintained the tactic of violent riots regardless of the party's involvement in national and provincial governments, with uprisings being designed to put pressure on these governments by disrupting business activities in Karachi and discouraging foreign investment.

“The group's militants have also participated in other acts of political violence including the murder of rival organisation's leaders, and targeting journals and newspapers considered critical of its activities.” [36d] (p6-7)

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)

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 (PPP)

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 group, banned in 2001 and held responsible for attacks on the Sunni majority. [35j]

SIPAH-E-SAHABA PAKISTAN (SSP – ARMY OF THE COMPANIONS OF THE PROPHET) (See MILLAT-I-ISLAMIA PAKISTAN)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this group, founded in the early 1980s, is:

"Active as individuals and small groups, probably in association with the Lashkar-e Jhangvi (LeJ). Banned by the government of Pakistan in 12 January 2002; renamed Millat-e-Islamia Pakistan (MIP) in April 2003. Neither of the organisation's names are listed on the US State Department's Current List of Designated Foreign Terrorist Organisations, published on 22 April 2004, although the LeJ, which is barely distinguishable from the SSP, is so listed. The SSP has operated as a political party and has contested elections; in 1993 one of its members served as a government minister. However, as the organisation is banned by the government, it can no longer operate in a political or any other role. Many members of the MIP boycotted a by-election in Jhang in June 2004 [The group is] Radical Sunni. The group's doctrine is a combination of hardline Wahabbi and Deobandist traditions and philosophy." [36h] (p2)

Jane's TIC also recorded that:

"In September 1985 Maulana Haq Nawz Jhangvi, Maulana Zia-ur-Rehman Farooqi, Maulana Eesar ul Haq Qasmi and Maulana Azam Tariq established the Anjuman Sipah-e Sahaba (the Organisation of Warriors of the Prophet's Companions) in Jhang, Punjab, which was later to become the SSP...[The groups's aim is] To establish Pakistan as a Sunni Muslim state. The group is opposed to any other forms of Islam and other religions, but has particularly targeted Shias. The group's interim objective is to have Shias officially declared as kafirs (non-believers). During periods of particularly severe violence the group has attacked Iranian targets, because it blames Iran for encouraging Shia Islam in Pakistan...Present leadership of the SSP as such is unknown; were it to be public, those named would be detained under Pakistan's anti-terrorism laws." [36h] (p3-4)

Jane's TIC further reports that:

“The SSP is closely tied with its offshoot the LeJ [Lashkar-e-Jhangvi] and it is frequently impossible to differentiate one group from the other when determining responsibility for an attack. The SSP’s Chairman described the group’s relationship with the Pakistan-Kashmiri organisation Jesh-e Mohammadi (JeM) as ‘hand in hand...shoulder to shoulder with JeM in jihad’, but there is no evidence of an operational role as a group in Indian-administered Kashmir.

“The SSP also supports Harakat-ul-Ansar, Jamaat-ul Mujahideen, Al-Umar Mujahideen, Al Badar, Tehrik-ul-Mujahideen, Harakat-i-Jihad-Islami, Laskhar-e Tayyiba and Hizb-ul Mujahideen. It has expressed its support for the Taliban and Al-Qaeda, and is alleged to have had connections of some sort with Ramzi Ahmed Yousuf, convicted of the 1993 bombing of the World Trade Centre...The SSP operated throughout Pakistan, and was one of the most powerful domestic terrorist groups. The heartland of its support came (and still comes) from Punjab where it had 500 offices, but it maintained some representation in all four provinces. The SSP became increasingly influential in North West Frontier Province, largely through its sponsorship of madrassas.

“Its strongholds in Punjab were Jhang, Sargodha, Bahawalpu, Multan and Muzaffargarh, and it also had a number of cells in Lahore – the scene of some of its most high profile attacks – and a strong presence in Karachi. There is evidence that it tried to resurrect cells in Lahore in January 2004. The SSP allegedly had an overseas presence, with representatives in 17 countries including Saudi Arabia, Bangladesh, Canada, the United Kingdom and France. It still has considerable influence and support in the areas noted above, but no formal organisation. Individuals and small groups of SSP militants continue to operate, either on their own or with the help of the LeJ (also banned). Its foreign offices have ceased to operate.

“The SSP had two basic forms of attack: assassination of key individuals, usually prominent Shias or opponents of the SSP, and massacres, whereby an SSP gunman fired on Shias, usually at large gatherings such as at a mosque, procession or wedding...In spite of banning, there is still considerable SSP influence in madrassas, and it is probable that military-style training is still given to young men studying at such places...The SSP is no longer a significant organised force. Action by police and security forces has all but defeated it as an entity, but individuals and small groups continue to operate, and these present a major threat to Shias and Christians...In mid-July 2004 there had been incidents of targeted assassination of senior members of police forces, and the judiciary, especially those involved with anti-terrorism courts, who are under increased threat.” [36h] (p5-7)

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

A BBC news report of 7 October 2003 stated that this is a radical Sunni Muslim group founded by Maulana Sufi Mohammad, a follower of Saudi Arabia’s Wahhabi school of thought and that “The group has been engaged in violent agitation for the enforcement of Islamic laws in its stronghold of Malakhand in northwestern Pakistan...In October last year [2002], Sufi Mohammad crossed into Afghanistan with thousands of his followers to help the Taleban fight US led forces. But he returned soon after the collapse of the Taleban” and was put into detention. [35s] (p2) One of five extremist groups banned by President Musharraf in January 2002. [20d] (p1)

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 TEHRIK-E-PAKISTAN)**TEHRIK-E-PAKISTAN (formerly TEHRIK-E-JAFRIA-E- PAKISTAN)**

This Shi'a extremist group was founded 1987 as Tehrik-e-Jafria-e-Pakistan. [1] (p447) After it's activities were proscribed in January 2002, it subsequently changed its name to Tehrik-e-Pakistan; leader Allama Sajid Ali Naqvi. [1] (p447) Banned under the name of Islami Tehrik-e-Pakistan in November 2003 by President Musharraf. [24b] (p45693)

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI (TNSM) (See TANZEEM-E-NIFAZ-E-SHARIAT-E-MOHAMMADI**UNITED JIHAD COUNCIL**

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that the aim of this Council is "The accession of Indian-administered Kashmir to Pakistan, and the establishment of an Islamist government in Pakistan," [36i] (p2), and reports that:

"United Jihad Council (UJC) is a conglomerate of a number of previously established organisations. It was formed by Harakat-ul-Mujahideen (HuM); Jesh-e-Mohammadi (JeM); Lashkar-e-Tayyiba (LeT); Hizb-ul-Mujahideen (HM); Al Badar; Jamiat-i-Islami (Jamiat) and Harakat-ul-Ansar (HuA). Membership is loose and changes frequently.

"Militant, pro-Pakistani groups are associated with the UJC, whose leader, Syed Salahuddin, on 20 October 2004 endorsed President Musharraf's line on Kashmir negotiations with India. The LeT is the armed wing of Markaz Da'wa wa'l-Irshad, based near Lahore. HM is the armed wing of Jamiat-e-Islami, although the group distances itself from violence in Kashmir...Most radical groups began operations in Kashmir, where an indigenous insurgency began in the late 1990s, and non-Kashmiri militants joined the conflict in significant numbers from 1994 onwards. HuM was founded in the 1980s; Lashkar-e-Tayyiba in 1987; Al Badar in 1998; and JeM in early 2000. Jamiat-e-Islami was founded in 1941...The various groups affiliated to the UJC all have autonomous leaders and organisations. HM is led by Syed Salahuddin (real name Mohammed Yusuf Khan), sometimes known as Maulvi Yousuf Shah. He lives in Muzaffarabad, Pakistan-administered Kashmir, although he is officially banned from the region by the Pakistan government. (He gave a media interview there on 19 November 2004 in his capacity as chairman of the UJC.)

"JeM was founded and is led by Maulana Masood Azhar who formed the group following his release from an Indian prison in late 1999 as part of an agreement over the ending of a hijack crisis. The LeT is led by Hafiz Mohammed Saeed, former professor of Islamic Studies at the University of Engineering and Technology in Lahore. Al Badar is led by Nasser Ahmed and Bhakat Aaman. HuM is led by Fazl-ul-Rehman Khalil." [36i] (p2-3)

Jane's TIC further noted that:

"The UJC (also known as the Muttahida Jihad Council: MJC) was formed in November 1990 following a ferocious Indian crackdown on insurgency in Indian-administered Kashmir. It is based in Muzaffarabad, in Pakistan-administered Kashmir, with an office in Rawalpindi. The aim of the organisation was, and probably still is, to bring all militant groups under a single banner. To a certain extent this has been achieved, but the organisation is by no means effective in the military sense of having units 'under

command'...In early 2005 it was reported that considerable reorganisation of the UJC was taking place but, given the proclivity of the various groups to disagree with each other and among themselves, sometimes to the point of extreme violence, it is uncertain how effective this restructuring will be." [36i] (p3-4)

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Annex D: Prominent people

THE GOVERNMENT

([29g] unless otherwise stated)

President

General Pervez Musharraf [34] (p9)

Prime Minister

Shaukat Aziz [34] (p9)

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)

AZIZ, Shaukat

A BBC profile of Shaukat Aziz dated 19 August 2004 noted that:

“Pakistan’s Prime Minister Shaukat Aziz is a former private banker credited with recent reforms of his country’s economy. Well regarded by global financiers, the former Citibank executive was President Pervez Musharraf’s choice for the top post. When former Prime Minister Zafarullah Khan Jamali resigned in June, the ruling party swiftly declared that Mr Aziz, the finance minister, would take over. He first had to secure a seat in parliament – a requirement to take up the top post – and did so in August with victory in two by-elections. Mr Aziz replaced ailing Pakistan Muslim League leader, Chaudhry Shujaat Hussain, who was in temporary charge. The urbane and smartly dressed Mr Aziz, 55, joined the government of General Musharraf shortly after the army chief’s 1999 military coup. Under his tenure, an economy then in recession now reports growth of 6.4% a year...Analysts say his main duties as premier are to improve the day-to-day running of the federal government and see that policies are more effectively executed. Mr Aziz, who is married with three children, was born and brought up in the southern city of Karachi, Pakistan’s commercial capital. He joined Citibank in 1969 after a degree in business administration from the Institute of Business Administration, Karachi and progressed to a senior post with the bank in New York at the height of a 30-year career in global finance...It was while campaigning for the by-elections that he survived an apparent assassination attempt on 30 July [2004] in Punjab province.” [35t]

BHUTTO, Benazir

A BBC news report updated on 26 January 2006 noted that:

“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. 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...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] and 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 General Zia died in an explosion on board his aircraft in 1988, she became one of the first democratically-elected female prime ministers in an Islamic country...She has steadfastly denied the corruption charges against her, which she says are politically-motivated. But she left Pakistan in 1999 to live abroad shortly after her conviction – and has not returned since. Even though she is out of Pakistan, questions about her and her husband’s wealth have continued to dog her. She faces arrest if she returns to Pakistan.” [35q]

Europa Regional Surveys of the World: South Asia 2005 reported that, 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) Keesing's Record of World Events for November 2003 recorded that, 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) A BBC news report dated 26 January 2006 stated that "Interpol has issued notices for the arrest of ex-Pakistan PM Benazir Bhutto and her husband, Asif Ali Zardari...The 'red notices' issued for the couple did not amount to international arrest warrants, Interpol confirmed...Interpol said it made its decision on the basis of a fresh approach from Islamabad within the last month. The new approach came after a Pakistani court ruled that Ms Bhutto and her husband were fugitives from justice because they had failed to appear in court to answer corruption charges." [35i]

BHUTTO, Zulfikar Ali

The Encarta Online Encyclopedia 2005 reported that he was born in 1928 in Sind Province and was 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

Europa Regional Surveys of the World: South Asia 2005, reported that he was the leader of the 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

Europa Regional Surveys of the World: South Asia 2005 noted that he is the leader of the Muttahida Qaumi Movement (Altaf) –MQM (A), and in 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism. [1] (p397)

MUSHARRAF, Pervez

A BBC article dated 24 September 2004 profiling Musharraf reported that:

"Pervez Musharraf was born in Delhi in August 1943. His family emigrated to Pakistan during the partition of the Indian sub-continent. His rise through the ranks came despite the fact that he does not belong to the predominantly Punjabi officer class of the Pakistani army – but to an Urdu-speaking family in Karachi. He began his military career in 1964. Gen Musharraf rose to the top job in 1998 when Pakistan's powerful army chief, Gen Jehangir Karamat, resigned two days after calling for the army to be given a key role in the country's decision-making process. It was the first time an army chief of staff had ever stepped down and many observers took it as a sign that Prime Minister Sharif's political power had become strong enough to secure the long-term future of civilian administrations...When, in October 1999, Mr Sharif tried to fire him, Musharraf seized power promising to bring "true" democracy to Pakistan." [35i] (p1-2)

A BBC Timeline of Pakistan noted that:

"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...

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

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

2004 December – President Musharraf says he will stay on as head of the army having previously promised to relinquish the role." [35b] (p3-5)

SHARIF, Mohammad Nawaz

Europa Regional Surveys of the World: South Asia 2005 recorded that he was formerly the Chief Minister of Punjab, 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] (p397), 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) The US State Department Report 2005 (USSD 2005), published on 08 March 2006, reported that he remains in exile in Saudi Arabia, in accordance with a 2000 agreement with the Government, and that "On November 7 [2005], the government granted Nawaz Sharif and his immediate family new passports, allowing them to travel outside Saudi Arabia." [2b] (section 2d)

UL-HAQ, MOHAMMAD ZIA

Europa Regional Surveys of the World: South Asia 2005 noted that he was both 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)

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Europa Regional Surveys of the World: South Asia 2005 reports that he is Benazir Bhutto's husband, and was arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities (he was later acquitted on all counts). [1] (p394) In July 1996, was controversially appointed to his wife Benazir's cabinet. [1] (p400) He and Benazir were 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) Keesing's Record of World Events for November 2003 reported that 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) A BBC news article of 26 January 2006 noted that "Mr Zardari was freed on bail in November 2004 after spending eight years in prison in Pakistan on charges ranging from corruption to murder." [35i] (p2) The same article also stated that "Interpol has issued notices for the

arrest of ex-Pakistan PM Benazir Bhutto and her husband, Asif Ali Zardari...The 'red notices' issued for the couple did not amount to international arrest warrants, Interpol confirmed...Interpol said it made its decision on the basis of a fresh approach from Islamabad within the last month. The new approach came after a Pakistani court ruled that Ms Bhutto and her husband were fugitives from justice because they had failed to appear in court to answer corruption charges." [35]

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Annex E: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FIDH	International Federation for Human Rights
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRCP	Human Rights Commission of Pakistan
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Network
JTIC	Jane's Terrorism and Insurgency Centre
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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