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BACKGROUND PAPER

ON

REFUGEES AND ASYLUM SEEKERS FROM PAKISTAN

**UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, MARCH 2000**

THIS BACKGROUND PAPER WAS PREPARED IN THE COUNTRY INFORMATION UNIT OF UNHCR'S CENTRE FOR DOCUMENTATION AND RESEARCH ON THE BASIS OF PUBLICLY AVAILABLE INFORMATION, ANALYSIS AND COMMENT, IN COLLABORATION WITH THE UNHCR STATISTICAL UNIT. ALL SOURCES ARE CITED. THIS PAPER IS NOT, AND DOES NOT, PURPORT TO BE, FULLY EXHAUSTIVE WITH REGARD TO CONDITIONS IN THE COUNTRY SURVEYED, OR CONCLUSIVE AS TO THE MERITS OF ANY PARTICULAR CLAIM TO REFUGEE STATUS OR ASYLUM.

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1. Introduction*

The Islamic Republic of Pakistan is situated in the North-Western part of the Asian continent and shares its Eastern border with India, its Western frontier with Afghanistan and Iran, and the Republic of China borders on its far North-East. Pakistan consists of four provinces, Baluchistan, North-West Frontier Province (NWFP), Punjab and Sindh, that enjoy autonomy. Currently, each province has a governor appointed by the military, and a council of ministers headed by a chief minister elected by a provincial assembly.¹

A federated parliamentary system and a bi-cameral legislature existed in Pakistan until they were suspended through the coup d'état of 12 October 1999. Main political parties are the Pakistan Muslim League, the Pakistan People's Party (PPP), Jamaat-i-Islami (JI), the Muttahida Quami Movement (MQM), Awami National Party (ANP), Jamiat-I-Ulema-I-Pakistan (JUI), the Tehrik-i-Insaf (TI) and the Millat Party.²

The population was estimated in 1996 to be 134,146,000. The result of a population census held in March 1998 has yet to be released officially. The state religion is Islam, with 97% of the population practicing Islam, while the remainder of the population is divided into Hindus, Christians, Buddhists and Ahmadiyyas. The principle ethnic group are the Punjabis comprising two-thirds of the population, and the main ethnic minorities are Sindhis (24 -32%); Pathans (13%); Mohajirs (8 -18%); and, Baluchis (4%).³

2. Major Political Developments in Pakistan, 1998-2000

The year 1999 was marked by increasing domestic discontent with the government, ethnic and sectarian violence, legal challenges to the government, an unified opposition demanding new elections, and rising tension between the government and the military that eventually led to Pakistan's fourth coup d'état, on 12 October 1999, ousting Prime Minister Nawaz Sharif. On that day, Prime Minister Nawaz Sharif had dismissed the army chief, General Pervez Musharraf and had appointed as his successor the head of the Inter-Services Intelligence, Lieutenant-General Khawaja Ziauddin.⁴ The armed forces reacted by defending its chief, and within hours the military carried out the fourth coup d'état in the history of Pakistan and placed Prime Minister Nawaz Sharif, over 200 cabinet members, politicians and senior government officials under house arrest.⁵ In the days that followed, General Musharraf declared an emergency and moved toward carrying out changes in state institutions that were aimed at restoring national cohesion and reviving the economy. Immediate changes included the suspension of the

*This paper is an update since June 1998, therefore, for more detailed background information it is advised that reference be made to CDR Background Paper on Pakistan of May 1998.

¹ Economist Intelligence Unit (EIU), Country Report, 4th Quarter 1999, 5.

² Ibid., 5.

³ World Directory of Minorities, 573.

⁴ Current History, December 1999, 409.

⁵ Ibid.

constitution and legislature, abolishing the National Assembly, the removal of the heads of all political institutions, holding accountable some politicians suspected of corruption, and the formation of a six-member National Security Council that was to extend guidance to the Cabinet of Ministers.⁶ Furthermore, he reportedly restricted the courts from considering the constitutionality of the new military government. The exploitation of religion for sectarian or political interests was also prohibited.⁷

Despite the announcements of the immediate changes, General Musharraf gave no indication of a timetable for a general election and restoration of democracy. Nonetheless, the coup d'état was apparently favorably received by the public at large in Pakistan. Members of Prime Minister Sharif's party, the Pakistan Muslim League (PML), neither openly condemned the coup d'état nor supported the ousted Prime Minister. The opposition groups, including Islamic parties, welcomed the overthrow of the government of Nawaz Sharif and extended their support to the new interim government. A month before the coup d'état, on 14 September, leaders of Pakistan's opposition groups had announced the formation of the Grand Democratic Alliance (GDA), that grouped together 19 political parties with the goal of disposing the government of Nawaz Sharif.⁸ A GDA rally later that month in Karachi, according to Human Rights Watch, led to arrests of over 1,000 opposition activists, including leaders of Pakistan People Party (PPP), the Muttahida Quami Movement (MQM), the Awami National Party, and the Pakistan Tehrik-e-Insaaf party.⁹

General Musharraf currently acts as the Chief Executive of Pakistan, heading the newly formed National Security Council (NSC) that comprises the air forces and navy chiefs of staff, and four civilians with expertise in the fields of law, finance, foreign and national affairs.¹⁰ Ousted Prime Minister Nawaz Sharif faces trial on charges of attempting to kill General Musharraf when he allegedly prevented his plane from landing on 12 October 1999.¹¹ Furthermore, anti-corruption cases have been opened against former chief ministers, governors and leading politicians from all political parties, and prime ministers since 1985, including against former Prime Minister Benazir Bhutto that continues to remain pending.¹²

Since assuming power in February 1997, Nawaz Sharif had been trying to neutralize the opposition leader, Benazir Bhutto, by pursuing corruption charges against her and her husband. The Accountability (*Ehtesab*) Cell at the Prime Minister's secretariat, which is the office in charge of corruption investigations, focused its energies on trying to expose Ms. Bhutto's alleged corruption and to obtain a conviction against her and her husband.¹³

⁶ Human Rights Watch, World report 2000, 207.

⁷ EIU, Country Report, 4th Quarter 1999, 18.

⁸ Human Rights Watch, World Report 2000, 207.

⁹ Ibid., 207.

¹⁰ EIU, Country Report, 4th Quarter 1999, 19.

¹¹ Ibid., 19.

¹² Ibid., 19.

¹³ Ibid., 2nd Quarter 1998, 8.

Nawaz Sharif also faced corruption allegations. A series of articles appeared at the end of 1998 in the British press. One article reported allegations that Mr. Sharif had not declared several properties to the Election Commission of Pakistan. Another article provided evidence of money laundering on Mr. Sharif's behalf by a senior minister. A third focused on the wealth amassed by the Sharif family in the past two decades, and on a case pending in the Supreme Court against Mr. Sharif, which alleges that he was the recipient in 1990 of illegal funds from the ISI, the army's intelligence service.¹⁴

Municipal and district council elections, postponed since 1993, were held on 20 May 1998 in Punjab province. The elections were held on a 'non-party' basis, which meant that candidates were not allowed formally to contest the elections on party platforms. The PML won most of the seats.

In October 1998, Nawaz Sharif appointed General Pervez Musharraf as Chief of the Armed Forces, after the resignation of General Karamat. The resignation came after a statement by General Karamat that was interpreted as an indictment of Mr. Sharif's Government. The statement underlined a growing concern among the army that the Government was continuing to ignore the need for urgent economic restructuring and was concentrating on Mr. Sharif's political vendetta against the opposition.¹⁵

Throughout 1998, the ruling coalition continued to face several problems both internally and externally. Political stability was at risk due to the difficult relations with regional nationalist parties allied to Sharif's PML in the provincial governments.

Regional opposition to Prime Minister Nawaz Sharif gathered momentum since he supported the nomination of Rafiq Tarar, a Punjabi, to the presidency in December 1997, against the demands of regional parties that the President should hail from one of the other provinces. Nationalist parties forged a formal political alliance, the Pakistan Oppressed Nations Movement, to demand a radical overhaul of the Constitution.¹⁶

In North-West Frontier Province, the Awami National Party (ANP) withdrew from the provincial government and from the center over a dispute on the name of the predominantly Pathan province.¹⁷ Relations with the Baluch National Party (BNP) reached a breaking point in June 1998, over the government denial to bail out the bankrupt provincial government. In June 1998, widespread protests took place in Sindh province over the Kalabagh dam project, which was to be situated in Punjab province (the heartland of the PML) and would have reduced the water supply to Sindh, resulting in environmental damage and hampered agricultural output.¹⁸

The alliance of the Muttahida Qaumi Movement (MQM-Altaf) with the PML in Sindh province was also problematic. In 1997, Nawaz Sharif had released over 3,000 alleged terrorists of the MQM from prison in exchange for MQM support for the provincial

¹⁴ EIU, Country Report, 4th Quarter 1998, 20.

¹⁵ Ibid., 18-20.

¹⁶ Far Eastern Economic Review, Soldiering On, 14 January 1999, 18.

¹⁷ EIU, Country Report, 3rd Quarter 1998, 15.

¹⁸ Ibid., 16.

government. Several provincial ministries were given to the MQM, but the latter was not satisfied and began to demand a greater stake. Nawaz Sharif dithered prompting an upsurge of violence in May 1998 in Karachi. The violence escalated in June and July. There were several bomb explosions in Karachi and around 180 people were killed in June 1998 alone in internecine warfare between armed factions of the MQM.¹⁹

At the end of October 1998, the Jamaat-i-Islami organized an *ijtima* (congregation) in Islamabad that drew 300,000 people and called for the ouster of the Prime Minister. The Jamaat leader, Qazi Hussain Ahmad, tried to sow the seeds of revolt in the armed forces as well by criticizing the gap between the grand lifestyle of the generals and the oppressed rank and file as 'un-Islamic'.²⁰ Two other opposition parties, Tehrik-I-Insaaf, led by Imran Khan, and Millat Party, led by the ex-president, Farooq Leghari, both wanted to bring about the downfall of Nawaz Sharif's government.²¹

At the end of 1998, Islamic militants campaigned in conclaves organized nationwide by a dozen Pakistani Islamic fundamentalist groups. Traditionally divided along sectarian lines, these organizations tried to unite to overthrow the government of Mr. Sharif, launch an Islamic revolution and enforce *shariah* across the country. Islamic extremists threatened violence if Nawaz Sharif signed the Comprehensive Test Ban Treaty, which the U.S. was pushing in order to ease the sanctions imposed on Pakistan since the nuclear tests took place on 28 May 1998.²²

The Government of Nawaz Sharif continued to intervene in the neighboring conflicts in Afghanistan and in Kashmir. In Afghanistan, Pakistan provided financial and military support for the Taliban movement.²³ In Kashmir, more than one hundred civilians died in an escalation of cross-border exchanges between Indian and Pakistani troops, from July-August 1998.²⁴

Neighboring countries including Iran, Russia, India, Tajikistan, Kyrgyzstan, Kazakhstan and Uzbekistan accused the Government and the armed forces of Pakistan to continue not only support for the ruling Taliban in neighboring Afghanistan, but also to assist fundamentalist movements in their countries.²⁵

Regional security remains a concern as ensuing deadlock in the India-Pakistan relations and a nuclear and missile race between the two countries persists as destabilizing factors.²⁶ On 28 May 1998, in response to nuclear tests carried out by the Government of India, Pakistan conducted its own tests. Public opinion in Pakistan has been overwhelmingly in favor of the tests, however, the sanctions and aid freeze imposed following the nuclear tests and the resulting effects on the economy have pushed Pakistan on the brink of a balance-of-payments crisis.

¹⁹ EIU, Country Report, 3rd Quarter 1998, 16.

²⁰ Far Eastern Economic Review, Raise the Crescent, 3 December 1998, 21; and, EIU, Country Report, 4th Quarter 1998, 7.

²¹ EIU, Country Report, 4th Quarter 1998, 7.

²² Far Eastern Economic Review, Raise the Crescent, 3 December 1998, 21.

²³ Human Rights Watch, World Report, 1999, 202.

²⁴ Ibid., 202.

²⁵ Current History, Asia, December 1999, 413.

²⁶ Ibid., 413.

Pakistan faced economic slide in 1998. Sectarian clashes worsened in the course of 1998 and violence broke out between the ethnically based opposition parties and the government in Karachi. Sanctions imposed on Pakistan following its nuclear tests in May 1998 brought the country on the verge of an economic collapse. Already at the end of June 1998, emissaries of the Government of Pakistan were sent to Washington to negotiate a deal with the U.S. Government and the IMF. Pakistan would have been on the verge of default on its international debts at the end of July if the IMF did not release the third tranche of its loan. The U.S. Department of State feared that the shortage of funds and sanctions might push Pakistan to export nuclear technology to rogue states. The sharp economic downturn could lead to heavy job losses, rising prices and political unrest.²⁷

By November 1998, the armed forces were increasingly involved in running civilian institutions, including the Water and Power Development Authority (WAPDA) after the entire management had been suspended.²⁸ Punjabis and Pashtuns have historically dominated Pakistan's military forces.

Economic hardships and the inability of a corrupt government to bring relief made the Islamic fundamentalists more popular with ordinary people and increased sympathy also within the powerful military. By the end of 1998, Nawaz Sharif was very weak politically, beset by a deteriorating security situation and a collapsing economy. The Human Rights Commission of Pakistan described the situation prevailing in the country by stating that "at every level there is growing intolerance being shown by the Government due to its yearning for unshared power and to prescribe what is right and prohibit what is wrong."²⁹

In this difficult political environment, on 28 August 1998, Mr. Sharif proposed a controversial constitutional amendment aimed to make *Sharia* the supreme law of the country. The so-called Shariah bill prompted widespread opposition. The Islamic fundamentalists accused him of trying to enhance his powers in the name of Islam. The regional nationalist parties feared that the proposed law would undermine the federal character of the Pakistani political system.

The amendment passed in the Lower House of the National Assembly, where the PML had a two-thirds majority. In the Senate, Sharif could count on only 43 votes out of the 87 seats. The bill was therefore put on hold, while Sharif undertook a tour of the provinces in an effort to win support from nationalist elements, promising funding for the development of the provincial governments. Rumors of bribery of senators had also circulated.³⁰

²⁷ EIU, Country Report, 3rd Quarter 1998, 16-17.

²⁸ Asian Survey, September/October 1999, 707.

²⁹ Human Rights Commission of Pakistan, State of Human Rights in 1998, 1999.

³⁰ EIU, Country Report, 4th Quarter 1998, 16.

According to analysts, by 1999, two levels of political opposition to the government in Pakistan were present. One that sought increased autonomy on the basis of ethnicity within Pakistan's federal system and another sought to overthrow the existing system in favor of an Islamic regime.³¹ The trends are further analyzed as leaning toward greater extra-parliamentary mobilization and violence, arising as a response to a government that suppresses rather than includes parliamentary opposition in governing the country, and to economic and social pressures that provide ground for religious extremism.³² Under growing pressure from Islamic political groups, *Sharia* was for the first time formally enacted as the law of the land in January 1999 in the North West Frontier Province, with political authority to change and enforce the law remaining with local power brokers and not with the central government.³³

In 1999, Prime Minister Sharif and his government were also faced with the issue of how to accommodate the powerful regional party, the MQM-Altaf, which had won a majority of the seats in Karachi in the 1997 general election and maintained its support base. By mid-1999 the government carried out efforts to prevent the MQM from allying with the PPP.³⁴

On 15 April 1999, former prime minister and current leader of the opposition Pakistan's People's Party (PPP), Benazir Bhutto and her spouse, Asif Zardari, were convicted on corruption charges and sentenced to five years in prison.³⁵ Mrs. Bhutto, who is a Sindh, accused the judges of political bias as the trial was dominated by Punjabis, and after the conviction began to organize the PPP for a protest movement against the government. One of the two judges on the specially constituted "accountability cell" of the Lahore high court is a member of the ruling Pakistan Muslim League (Nawaz), or PML (N). His father had been one of the members of the High Court bench that sentenced Mrs. Bhutto's late father, Zulfikar Ali Bhutto, to death in 1978 for murder.³⁶ However, the judge in question, Mr. Qayyum, denied any bias and stated that the courts followed due process whilst conducting the hearing. Demonstrations in protest of the conviction of Mrs. Bhutto's supporters took place in Punjab and Sindh provinces, and her hometown, Larkana, in Sindh was shutdown the day after the conviction.

Ethnic Tension

Since Mr. Sharif came to power in 1997, civil strife increased in Karachi as a result of fighting between factions of the MQM (especially between the Muttehida Quami Movement (MQM-Altaf) and the Mohajir Quami Movement (MQM-Haqiqi)), as well as between the Sindh provincial government and the MQM. The MQM-Altaf and the Sindh government, allied to Prime Minister Nawaz Sharif, have been unable to agree on a power-sharing formula between ethnic Sindhis and Urdu-speaking *mohajirs*.³⁷

³¹ Asian Survey, Vol. XXXIX, No. 5, September/October 1999, 704.

³² Asian Survey, Vol. XXXIX, No. 5, September/October 1999, 705.

³³ Ibid., 705.

³⁴ EIU Country Report, 3rd Quarter 1999, 17.

³⁵ Ibid., 2nd Quarter 1999, 13.

³⁶ Ibid., 14.

³⁷ Ibid., 4th Quarter 1998, 17.

The security in the region was further hindered by the release for political reasons, at the beginning of 1998, of about 100 central MQM militants, suspected of having committed hundreds of murders. Over 634 law enforcement personnel were killed from May 1992 to May 1998 while conducting anti-terrorist operations, while over 720 MQM activists were killed in the same period. Since the government of Nawaz Sharif came to power, a total of 85 policemen have been murdered in Sindh province. Karachi was paralyzed by frequent strikes called by one warring faction or another and the administration was mired in corruption and inefficiency.³⁸

Violence among rival MQM factions intensified in June 1998, resulting in more than 171 persons killed. The violence was also exacerbated by the creation of a new MQM faction, the Basic Association of Citizens of Karachi (BACK), implicated in the torture and killings of members of the other two MQM factions.³⁹

The rising level of violence in the second half of 1998 was also due to the soft attitude of Nawaz Sharif towards the defiant MQM-Altaf militants in exchange for the party's political support at both national and provincial level. At the provincial level, the government wanted to avert the formation of a PPP government with MQM-Altaf support. At the central level, the government needed the parliamentary support of the MQM-Altaf to pass various Constitutional amendments. According to Human Rights Watch, "some of the attacks were believed to have been perpetrated either with official participation or at least the acquiescence of various government agencies."⁴⁰

In August 1998, the Sindh governing coalition between the PML and the MQM-Altaf collapsed, but the MQM-Altaf did not bring down the minority government of Sindh. The MQM-Altaf accused the government of inaction toward the MQM-Haqiqi's occupation of some areas in Sindh province, and complained that paramilitary ranger and police operations were directed primarily against them.⁴¹

However, on 30 October 1998, after the murder of Hakim Said, a former governor of Sindh, attributed to the MQM-Altaf, the government suspended the Sindh Assembly and imposed central rule in the province, ending in this way the 18-month provincial coalition government with the MQM-Altaf. On 20 November 1998, the government invoked the army's assistance to try to restore civil rule and established ten military courts to handle cases of terrorists allegedly belonging to the MQM.⁴²

The MQM denied the involvement in the murder and refused to co-operate with the government, claiming that the Prime Minister simply wanted to punish the party for refusing to support the *Sharia* bill.

³⁸ EIU Country Report, 4th Quarter 1998, 17.

³⁹ U.S. Department of State (USDOS), Country Report on Human Rights Practices for 1998, Pakistan, Section 1a.

⁴⁰ Human Rights Watch, World Report 1999, 203.

⁴¹ USDOS, Country Report on Human Rights Practices for 1998, Pakistan, Section 1a.

⁴² Ibid.; and, Amnesty International, Annual Report, 1999.

Since the introduction of military courts, hundreds of MQM supporters have been arrested to face summary justice. Reportedly, the violence in Karachi has subsided.⁴³

Sectarian Violence

In 1998 and 1999, mob violence and terrorism continue to be a major problem, and often result in loss of life.⁴⁴ Armed opposition groups pursuing ethnic or religious causes continue to deliberately kill civilians.⁴⁵

Sectarian violence, in particular between Sunni and Shi'a groups, continued throughout 1998 and 1999.⁴⁶ The massacre of 25 Shi'a mourners in Lahore on 11 January 1998 set the stage for a series of reprisal killings that left some 75 people dead and 80 wounded in Punjab province alone by the end of 1998.⁴⁷ Once confined to the Southern districts of Punjab province, violence continued to spread to the major cities of Punjab, as well as to urban Sindh and the North-West Frontier Province.

Sectarian conflict in Pakistan finds its roots in political and economic problems that resulted also in violent clashes over ethnic, linguistic and other issues.⁴⁸ Specific government policies, like the government of Zia ul-Haq's Islamization programme, gave rise to militant sectarian groups and contributed to raising the level of sectarian tensions in the country. These policies served to radicalize the Shi'a population and led to the formation of militant Shi'a organizations, which in turn led to the creation of militant Sunni groups.⁴⁹

Government anti-sectarian measures have been inconsistent and have tended to be reactive rather than proactive. Successive governments of Pakistan have been intimidated by the militancy of fundamentalist religious groups. According to the Canadian Immigration and Refugee Board, when arrested, sectarian militants have often been released with small bribes or have received preferential treatment at the hands of police and jail authorities. Often government anti-sectarian measures come into conflict with its national security policies, as the government continued to finance the work of armed militant groups in Afghanistan and Kashmir.⁵⁰

However, beginning in September 1998, the Punjab police appeared to have undergone a dramatic transformation. Police began conducting large-scale raids against sectarian militants, with some detainees reportedly being tortured and eliminated in staged encounter killings.⁵¹ The failure of the Anti-Terrorist Courts, stopped by the Supreme Court, and an increasing number of threats and attacks on police officials by sectarian militants during the summer of 1998, were the reasons for the harsher government

⁴³ Far Eastern Economic Review, *Soldiering On*, 14 January 1999, 18.

⁴⁴ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1a.

⁴⁵ Amnesty International, Annual Report, 1999.

⁴⁶ Human Rights Watch, World Report 1999, 203.

⁴⁷ Human Rights Commission of Pakistan, State of Human Rights in 1998, 1999.

⁴⁸ Modern Asian Studies, *Sectarianism in Pakistan: The Radicalization of Shi'a and Sunni Identities*, Vol.32, No.3, July 1998.

⁴⁹ Ibid.

⁵⁰ Immigration and Refugee Board, Canada, Pakistan: Sectarian Violence, July 1999.

⁵¹ Ibid.

policy. In December 1998, a special anti-terrorist court in Punjab sentenced to death 14 Shi'a and Sunni militants.⁵²

Escalation in sectarian violence continued to be a threat throughout 1999. On 8 January 1999, unidentified gunmen killed 17 worshippers in a Shi'a mosque near Moltan.⁵³ By early 1999, the government embarked on combating terrorism and restoring law and order in the province of Sindh, where terrorist activity and sectarian violence was observed to be rising. By February 1999, the Supreme Court declared that the military courts set up by the federal government in late 1998, to try civilians for political, sectarian and ethnic violence was unconstitutional, and ordered those cases pending in military courts to be transferred to anti-terrorism courts or other courts established within the law.⁵⁴ However, delays in such a transfer occurred as disputes over court appointees persisted. On the one hand, the Supreme Courts preferred judges to be appointed to these courts within the ranks of the judiciary, and on the other hand, Prime Minister Nawaz Sharif wanted to nominate judges from the executive.⁵⁵ In the meantime, the federal government amended the 1997 Anti-Terrorism Act giving the anti-terrorism courts jurisdiction over the same categories of offenses as the military courts. In addition, terrorism was defined to also include the "commencement or continuation of illegal strikes and distributing, publishing or pasting of a handbill or making graffiti intended to create unrest or fear."⁵⁶

By early April 1999, the Prime Minister had announced that the Government would issue a presidential decree requiring the anti-terrorist courts to operate under Supreme Court guidelines, and further elaborated that under the new guidelines the judges would be appointed by the Chief Justices of the provincial high courts in consultation with the Chief Justice of the Supreme Court and the law ministry.⁵⁷ By May 1999, seven anti-terrorism courts had been established in Karachi.⁵⁸

2.1 Regional Implications

After Nawaz Sharif was elected Prime Minister in February 1997, the normalization of relations between Pakistan and India was put on the priority agenda by the new government. Bilateral talks resumed in June 1997, when it appeared that both governments were willing to put thorny issues, such as the dispute over the state of Kashmir, temporarily to the side and focus on other measures such as developing trade and travel links. However, the talks came to a halt in early 1998 owing both to the collapse of the United Front government in India, led by Prime Minister Inder Kumar Gujral, and disagreement over the form of the agenda for negotiation.⁵⁹

⁵² Ibid.

⁵³ Europa World Report 2000, 2736.

⁵⁴ EIU, 2nd Quarter 1999, 15.

⁵⁵ Ibid., 15.

⁵⁶ Human Rights Watch, World Report 2000, 207

⁵⁷ EIU, 2nd quarter 1999, 16

⁵⁸ Human Rights Watch, World Report 2000, 207

⁵⁹ EIU, Country Report, 2nd Quarter 1998, 13.

The 1998 elections in India brought to power a government led by the Hindu nationalist Bharatiya Janata Party (BJP). The BJP government formally accused Pakistan's Inter-services Intelligence Agency (ISI) of aiding and abetting the insurgency in Kashmir. A number of hostile anti-Pakistan statements by Indian officials contributed to raise the level of tension in 1998. In addition, Indian Prime Minister Atal Behari Vaipayee, announced his government's intention to utilize nuclear weapons for defense purposes.⁶⁰

Pakistan responded accusing India's intelligence agency, the Research and Analysis Wing (RAW), of carrying out a series of bomb explosions in several Pakistani towns and of orchestrating the killing at the end of March 1998 of 22 civilians in a Pakistani village on the border with Indian-held Kashmir.⁶¹

On 11 May 1998, the Government of India carried out three underground nuclear tests, followed, two days later, by two more nuclear tests. Pakistan saw the tests as a concrete threat to its national security. Internally, the government came under immense public pressure to test a nuclear bomb itself. Abroad, the U.S. and Japan, among other countries, urged Pakistan to restrain from testing its own nuclear weapons, threatening sanctions and the cutting of aid. However, the mixed response to India's tests by foreign governments offered little disincentive to the government of Pakistan. Several Indian leaders continued to make provocative statements. The Indian Home Affairs Minister even implied that India might opt to seize Pakistani-held Kashmir by force. On 28 May 1998, following intelligence indication that India was readying fighter-bombers at an Indian airbase near the border in order to attack Pakistan's nuclear installations, Pakistan tested five nuclear devices.⁶²

By this action, Pakistan lost an opportunity to win international support. Several countries, including the U.S., Japan and Germany, announced sanctions and halted new assistance. At the same time Pakistan announced a freeze on all foreign-exchange accounts in order to preclude a dollar run on the banks, austerity measures were also announced, and a state of emergency was decreed, suspending fundamental rights.⁶³

In October 1998, under the U.S. Government's strong pressure on both countries to reduce tensions and sign the Comprehensive Nuclear Test Ban Treaty (CTBT), a new round of talks started.⁶⁴ However, both countries outlined conditions under which they would agree.

Tensions between India and Pakistan over disputed territory in Jammu and Kashmir heated up in June and July 1998. Fighting occurred along the border leaving several soldiers and more than one hundred civilians dead on both sides.⁶⁵ Talks between Prime Minister Nawaz Sharif and Prime Minister Atal Behari Vaipayee were held in Sri Lanka at the end on July 1998, but ended without any improvement in relations.⁶⁶

⁶⁰ Ibid., 13.

⁶¹ EIU, Country Report, 2nd Quarter 1998, 13.

⁶² Ibid., 16,17.

⁶³ Human Rights Watch, World Report, 1999, 202.

⁶⁴ EIU, Country Report, 4th Quarter 1998, 21.

⁶⁵ Human Rights Watch, World Report, 1999, 202.

⁶⁶ EIU, Country Report, 3rd Quarter 1998, 18.

In May and June 1999, conflict in the Kashmir region heated up again after Islamic militants took up strategic positions in the Himalayan Mountains on the Indian side of the cease-fire line that separate Pakistani-held land from Indian-controlled territory. India launched a series of air strikes against the militants' encampment. Civilians were killed on both sides and tens of thousands of persons were displaced on both sides of the line of control.⁶⁷

3. Review of the General Human Rights Situation

3.1 The International Legal Framework

Pakistan is a state party to the following international human rights instruments:

Convention	Date of Accession/ Ratification
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	12 Oct 1957 (R)
Convention on the Political Rights of Women (1952)	07 Dec 1954 (R)
Convention on the Elimination of All Forms of Racial Discrimination (1965)	21 Sep 1966 (R)
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	27 Feb 1986 (A)
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	12 Mar 1996 (A)
Convention on the Rights of the Child (1989)	12 Nov 1990 (R)

Source: UNHCR REFWORLD, July 1999

Pakistan is not a state party to the following international human rights instruments:

- ☐ Convention Relating to the Status of Refugees (1951)
- ☐ Protocol to the Convention Relating to the Status of Refugees (1967)
- ☐ Convention Relating to the Status of Stateless Persons (1954)
- ☐ Convention on the Reduction of Statelessness (1961)
- ☐ International Covenant on Civil and Political Rights (1966)
- ☐ International Covenant on Economic, Social and Cultural Rights (1966)
- ☐ Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- ☐ Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968)
- ☐ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- ☐ Convention against Apartheid in Sports (1985)
- ☐ Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty (1989)

⁶⁷ USDOS, Country Report on Human Rights Practices for 1999, Pakistan.

3.2 The National Legislative Context⁶⁸

The Constitution

In 1997, Prime Minister Nawaz Sharif introduced constitutional amendments to abolish the powers of the President to dismiss governments and silence dissent within Parliament, two of the most frequently used methods of bringing down previous governments. These measures, aimed at enhancing political stability, were supported also by the opposition.

On 28 August 1998, the Prime Minister proposed another constitutional amendment, the 15th Amendment aimed to make the '*Quran* and *Sunnah* the supreme law of the land'. The Amendment 'obliged' the federal government to take steps to enforce the *sharia* (the Islamic law), to establish *salat* (five prayers a day), to administer *zakat* (the poor tax), "to proscribe what is right and to forbid what is wrong", to eradicate corruption and to provide socio-economic justice in accordance with the principles of Islam. The provision of the 15th Amendment in the Constitution was to 'have effect notwithstanding anything contained in the Constitution, any law or judgment of the court'.⁶⁹

One of the most controversial provisions of the 15th Amendment allowed the Prime Minister to amend the Constitution by means of a simple majority (rather than a two-thirds vote in favor) in pursuit of the government's Islamic goals. Critics accused the Prime Minister of exploiting Islam at a time when his level of popular and political support was waning. Others were concerned that the provision would allow Nawaz Sharif to reshape the political structure to his personal advantage.

The bill was also opposed by women's groups, human rights activists, minority representatives and the lawyers forum, who feared an erosion of their freedoms by a government which seemed to be inclined on interpreting and rigidly enforcing Islamic edicts. The Human Rights Commission of Pakistan maintained that the "first casualty of the bill will be the women and non-Muslim minorities of Pakistan who have suffered already at the hands of the oppressive Islamic laws promulgated first by General Zia ul-Haq in the 1980s and then by Mr. Sharif during his first government in 1991."⁷⁰

⁶⁸ For a comprehensive review of the Pakistan national legislation refer to the May 1998 Background Paper on Pakistan, Chapter 3.2.

⁶⁹ EIU, Country Report, 4th Quarter 1998, 13-14.

⁷⁰ Ibid., 14-15.

Facing unexpected opposition from within his own party as well as from other parties, the bill was slightly amended. The new version of the bill did not modify the existing method for constitutional amendments and replaced the word 'directives' for 'obligation' in the reference to steps to be taken by the federal government for the purposes of enforcing *sharia*.

Despite the modifications, the *Sharia* Bill remained highly objectionable. Although the bill aimed to accommodate different Muslim sects to the extent of their individual interpretation of the *Quran* and *Sunnah*, in all other matters the jurisprudence of the dominant Sunni sect prevails. The president of the Supreme Court Bar Association warned that with nearly 70 different sects and sub-sects in Islam, many of which are practiced in Pakistan, interpretation will be highly controversial.⁷¹

The new version of the bill passed in the National Assembly but the Senate did not vote on the measure before it was suspended by General Musharraf's government in October 1999.

After the imposition of a military rule, the Constitution was suspended and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely.

The Judicial System⁷²

The Constitution provides for an independent judiciary, however, in practice it is subject to the influence of the executive.⁷³ In 1997, the Government's power was enhanced by a constitutional confrontation between the Prime Minister and the Chief Justice of the Supreme Court, Sajjad Ali Shah, over the selection of five new judges for the Court. As a result of this struggle, a Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in.

In 1998, the Prime Minister obtained favorable judgement from the Supreme Court in a court case raised by the former Chief Justice. The case related to the 14th Amendment to the Constitution, which outlaws any form of dissent from members of the ruling party on threat of expulsion from the party and loss of parliamentary membership. The Amendment was introduced by Mr. Sharif but suspended by the then Chief Justice. The Supreme Court upheld that while reasonable comment by members of a party may be allowed under the fundamental right of freedom of speech, dissent, which undermines party voting discipline in parliament, and promotes instability was, therefore, banned.⁷⁴

In May 1998, the Supreme Court ordered the government to amend the Anti-Terrorist Act (ATA)⁷⁵ to bring it into conformity with constitutionally guaranteed protections by granting higher courts the power to hear appeals from the anti-terrorism courts and by

⁷¹ Far Eastern Economic Review, Raise the Crescent, 3 December 1998, 21

⁷² For background information refer to the May 1998 Background Paper on Pakistan.

⁷³ USDOS, Country Report on Human Rights Practices for 1999, Pakistan.

⁷⁴ EIU, Country Report, 2nd Quarter 1998, 19.

⁷⁵ For additional information regarding the Anti-Terrorist Act refer to the May 1998 Background Paper on Pakistan, Chapter 3.2.

eliminating provisions granting the police special powers to search private residences, obtain confessions by duress, and shoot without first being fired upon.⁷⁶ These issues were first raised in 1997 by the then Chief Justice. While at the time Nawaz Sharif was not prepared to concede any ground on this issue, due to the ongoing confrontation with the Chief Justice, he now informed the new Chief Justice that the government was prepared to amend the law. It is noteworthy that the court's ruling did not apply retroactively to cases already decided under the ATA, including many that have resulted in death sentences.⁷⁷

In December 1998, the Government established Military Trial Courts (MTC), which were promptly declared illegal by the Supreme Court.⁷⁸ On 28 April 1999, the Government established new anti-terrorism courts by presidential ordinance, the Anti-Terrorism (Amendment) Ordinance 1999. The new ordinance retained many of the provisions of the ATA, but added a new offence called 'creation of civil commotion'.⁷⁹ The new provision has also been widely criticized by opposition parties, human rights groups and the Pakistani press as threatening the constitutional rights to peacefully assemble and to express political dissent. The new courts, which began functioning in Karachi on 12 May 1999, handed down their first death sentence three days later.⁸⁰

In December 1999, the government of General Musharraf again modified the ATA, by adding a number of additional offenses, including acts to outrage religious feelings, efforts to 'wage war against the state', conspiracy, acts committed in abetting an offense, and kidnapping or abduction to confine a person.⁸¹

The Musharraf regime also established special courts to deal with 'accountability' or corruption cases. In November 1999, an ordinance created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases.⁸²

After the coup d'état of October 1999, General Musharraf pledged to respect the independence of the judicial system, despite having suspended the Constitution. However, on 14 October 1999, it issued the Provisional Constitution Order Number 1, which provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority.⁸³

⁷⁶ Human Rights Watch, World Report, 1999, 203.

⁷⁷ Ibid., 213.

⁷⁸ Human Rights Watch, Shut-Down of Military Courts in Pakistan Hailed, but Transfer of Cases to Anti-Terrorism Courts Sharply Condemned, 18 February 1999.

⁷⁹ Agence France Presse, Karachi Special Court Hands Death Penalty to Triple-Murder Accused, 15 May 1999.

⁸⁰ Agence France Presse, Karachi Special Court Hands Death Penalty to Triple-Murder Accused, 15 May 1999.

⁸¹ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1e.

⁸² Ibid., Section 1e.

⁸³ Ibid., Section 1e.

3.3 General Respect for Human Rights

The U.S. Department of State reported in its annual review of human rights practices in Pakistan during 1999, that the human rights record deteriorated under the government of Nawaz Sharif, with serious problems in several areas. However, the situation worsened with the seizure of power by General Musharraf, in that after the coup d'état, citizens no longer had the right to change their government peacefully. "Police continued to commit serious abuses with impunity. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. In Karachi killings between rival political factions are often believed to have been committed by or with the participation of security forces. [...] Both the Sharif Government and the Musharraf regime infringed on citizens' privacy rights. Although the press largely publishes freely, the Government uses its large advertising budget to influence content, journalists practice self-censorship, and the broadcast media remain a closely controlled government monopoly. The Government imposes limits on freedom of assembly, movement and of religion."⁸⁴

The Musharraf Government spoke out against some of the human rights abuses of the previous regime and appointed NGO representatives to a number of senior positions, but, according to the U.S. Department of State, it was not clear whether the government of General Musharraf would take concrete steps to address such problems.⁸⁵

Following Pakistan's nuclear tests conducted in May 1998, a presidential decree imposed a state of emergency suspending fundamental rights, and allowing the Government wide-ranging powers of detention and arrest without recourse to the courts. Amnesty International called for the restoration of the fundamental rights stating that the presidential order "means that people can not go to the court for the enforcement of their human rights for the time that the emergency is in force."⁸⁶

This suspension was challenged by the Supreme Court, upon a petition lodged by former President Farooq Legahari, and four other politicians. The Supreme Court overturned the President's order and restored some rights related to arbitrary arrest or detention, religion and forced labor, among others.⁸⁷ However, a modified order permitted the government to make preventive arrests without providing cause, and suspended the rights to property and equal protection. Political and economic rights remained abrogated.⁸⁸

The Security Situation and the Role of the Armed Forces

Responsibility for internal security rests with the police, although paramilitary forces provide additional support in areas with law and order problems. Provincial governments control the police and paramilitary forces. The regular army is also deployed to assist in maintaining public order in sensitive areas. According to the U.S.

⁸⁴ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1e.

⁸⁵ USDOS, Country Report on Human Rights Practices for 1999, Pakistan.

⁸⁶ Amnesty International, Fundamental Rights Must Be Restored Immediately, 3 June 1998.

⁸⁷ USDOS, Country Report on Human Rights Practices for 1998, Pakistan.

⁸⁸ Human Rights Watch, World Report, 1999, 203.

Department of State Human Rights Report for 1999 members of the security forces committed serious human rights abuses. Despite attempts to reform and to professionalize the police, its members are known to have committed numerous extrajudicial killings and tortured, abused, and raped citizens. There was no evidence that any police officers were brought to justice.⁸⁹

Suspected criminals were killed by the police to prevent them from implicating police officials in crimes during court proceedings. In addition, the police apparently view the killings of criminal suspects as appropriate in light of the lack of effective action by the judiciary against criminals.⁹⁰

Abuses against judicial officers increased during 1998. Two civil judges, who had searched police premises and questioned the arbitrary detention of several people found there, were reportedly severely beaten. A judge of an anti-terrorism court who had convicted senior police officials of dereliction of duty, including falsifying evidence and torture, was held hostage in court by local police until the convicted officials had escaped.⁹¹

Extrajudicial Executions

The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which police shoot and kill the suspects, is common.⁹² Police officials generally insist that these deaths occur during attempts to escape or at resisting arrest; family members and the press insist that many of these deaths are staged.⁹³ After an attempt was made on Prime Minister Nawaz Sharif's life in early January 1999, as many as 40 Sunni extremists associated with the Lashkar-I-Jhangvi, the group believed responsible, may have been killed in subsequent police encounters. The police exhibited greater selectivity in choosing their victims, focusing on those widely believed to be violent criminals.⁹⁴

Police officers occasionally are transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these killings have generally failed to result in any police officer receiving criminal punishment.⁹⁵ After the coup d'état in October 1999, a number of police officials were charged or sanctioned for extrajudicial killings, but an outcome of these actions has to yet to be reported.

Torture and Other Inhuman and Degrading Treatment and Punishment

Although expressly forbidden by the Constitution and the Penal Code, torture and other cruel, inhuman or degrading treatment by police remain common. Police routinely use force to elicit confessions. Human rights observers suggest that because of the widespread use of physical torture by the police, suspects usually confess to crimes

⁸⁹ USDOS, Country Report on Human Rights Practices for 1998, Pakistan.

⁹⁰ Ibid., Section 1a.

⁹¹ Amnesty International, Annual Report, 1999.

⁹² United Nations Commission on Human Rights, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, E/CN.4/1998/68.

⁹³ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1a.

⁹⁴ Ibid.

⁹⁵ Ibid.

regardless of their guilt or innocence. Reportedly, some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.⁹⁶

Amnesty International reports in its 1999 Annual Report that "torture, including rape, in police custody and jails remained widespread, resulting in at least 50 deaths." The organization maintains that the general impunity of the offenders is facilitated by the law of *diyat*,⁹⁷ which allows victims and their families to accept compensation and stop criminal prosecution.⁹⁸

During the first week after the imposition of Governor's Rule in Sindh, in October 1998, the Human Rights Commission of Pakistan received nearly 100 complaints of illegal arrests, harassment of women by police and security forces, and torture in custody. Most of those detained were reportedly MQM-Altaf members or their relatives.⁹⁹

Death Penalty¹⁰⁰

Murder, *zina* (sexual intercourse between partners not married to each other), blasphemy, rape, and hijacking, are some of the offences that receive the death penalty under the *Hudood* Ordinance.

In 1998, at least 428 people were sentenced to death, including 113 sentenced by anti-terrorism courts and six by military courts following procedures, which fell short of international standards for fair trial. At least four people were executed during the same period.¹⁰¹

The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated in his report that "death sentences may be imposed in trials which do not meet minimum international standards, noting that trials before Special Courts for the Suppression of Terrorist Activities do not proceed from the presumption of innocence."¹⁰²

In early January 1999, the Supreme Court ordered a halt to the application of the death penalty imposed by the military courts, pending a detailed judgment on petitions challenging the court's legality.¹⁰³

⁹⁶ Ibid., Section 1b.

⁹⁷ *Diyat* is defined as financial compensation to the heirs of the victim, to be determined by the court keeping in view the financial position of the convict and the heirs of the victim.

⁹⁸ Amnesty International, Annual Report, 1999.

⁹⁹ USDOS, Country Report on Human Rights Practices for 1998, Pakistan, Section 1c.

¹⁰⁰ For information regarding the death penalty provisions refer to the May 1998 Background Paper on Pakistan, Chapter 3.2.

¹⁰¹ Amnesty International, Annual Report, 1999.

¹⁰² United Nations Commission on Human Rights, Report of the Special Rapporteur, Mr. Bacre Waly Ndiaye, on Extrajudicial, Summary or Arbitrary Executions, E/CN.4/1998/68/Add.1, 19 December 1997.

¹⁰³ EIU, 2nd Quarter 1999, 16.

Arbitrary Arrest and Detention

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrest and detain citizens.¹⁰⁴ Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to six months without charge. After the prisoner is produced before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days, if the police provide material proof that this is necessary for an investigation. In practice the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges in order to extort payment for their release or to harass or intimidate individuals.¹⁰⁵

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases trials do not start until six months after the filing of charges.

The Federal Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crime Regulation, which recognizes the doctrine of 'collective responsibility'. Authorities are empowered to detain fellow members of a fugitive's tribe pending his surrender or punishment by his own tribe in accordance with local tradition.

The government of General Musharraf detained without a warrant and without charge several dozen political figures, military officers, government administrators and family members of Nawaz Sharif following the October 1999 coup d'état.

Prison Conditions

Prison conditions are extremely poor. Overcrowding is a major problem and the Law Commission estimates that almost every jail in the country has two to three times more prisoners than its nominal capacity. According to Human Rights Watch, reports of torture and ill-treatment in prisons continued to surface in 1999. On 11 April 1999, a riot that injured some 20 children broke out in the juvenile ward of the Sahiwal Central Prison in Punjab after prison staff members reportedly beat a 13-years-old inmate for complaining of sexual abuse.¹⁰⁶

Prisoners in jail routinely are shackled. The principal of the institute for jail staff training in Lahore admitted in a July 1999 press interview that fettering is the most convenient way of administering an overcrowded jail.¹⁰⁷

Freedom of Religion

Pakistan is an Islamic Republic in which 96 percent of the population is Muslim and the Government imposes limits on freedom of religion. The majority of the Muslim population belong to the Sunni sect, while 20 to 25 percent is Shi'a. Christians and Hindus form the leading minority religions; other religious groups include the Sikhs, the Parsees and a small number of Buddhists.

¹⁰⁴ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1d

¹⁰⁵ Ibid.

¹⁰⁶ Human Rights Watch, World Report 2000, 209.

¹⁰⁷ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 1c.

The Constitution requires the law to be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities. Minority religious groups fear that the 15th Amendment favored by the Prime Minister may further restrict the freedom to practice non-Islamic religions.

The Blasphemy Law, first included in the Penal Code in 1980, is charged by critics to be exploited by Islamic fundamentalist in order to harass the Christian and Ahmadi communities.¹⁰⁸ On 6 May 1998, the Bishop of Faisalabad diocese, John Joseph, committed suicide in front of a court in Sahiwal, Punjab province, in which a Christian, Ayub Masih, was sentenced to death for blasphemy, in protest against the abuse of the blasphemy law. Despite the suspension of the death penalty against Mr. Masih by the Lahore High Court, an unprecedented demonstration by the Christian community across Punjab province was held to protest against the law. Hundreds of vocal demonstrators were beaten and arrested by the police.¹⁰⁹ Since 1986, 658 blasphemy cases remain pending in the courts against 2,467 people, mostly Christians and members of the banned Ahmadiyya community.¹¹⁰

It is believed that Masih's accusers hoped to drive his Christian family from their village and gain control over the family's land. Pakistan's Minister for Law and Justice, Khalid Anwar, acknowledged the possibility, noting that "there is no doubt that people, for personal reasons, file false cases and judges are under great pressure not to acquit the accused", however, no progress has been reported toward reforming the law.¹¹¹

According to Amnesty International, at least 106 members of the Ahmadiyya community were charged with religious offences during 1998. Of these, 28 were charged with blasphemy under Section 295-c of the Penal Code, which carries a mandatory death penalty.¹¹²

Freedom of Expression and Media

During 1998, the press exposing official malfeasance and corruption came under attack more frequently, and cases of intimidation and harassment of journalists were reported.¹¹³ Views expressed in editorials and commentary are often frank and pointed in their criticism of the Government. However, journalists practice a certain degree of self-censorship.

The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns, its control over newsprint and its ability

¹⁰⁸ For information regarding the Blasphemy Law refer to the May 1998 Background Paper on Pakistan, Chapter 3.2.

¹⁰⁹ EIU, Country Report, 2nd Quarter 1998, 20.

¹¹⁰ Ibid., 20.

¹¹¹ Human Rights Watch, World Report 1999, 204.

¹¹² Amnesty International, Annual Report, 1999.

¹¹³ Human Rights Watch, World Report 1999, 204.

to enforce regulations.¹¹⁴ The Government of Nawaz Sharif has been mounting what appeared to be a concerted campaign to curb the country's independent press. Traditional means of asserting government pressure such as income-tax audits, raids by intelligence agencies, restriction on newsprint supplies and stopping government advertisements, have all been on the increase.¹¹⁵

The most alarming case was the investigation on the country's largest privately owned media group, the Jang Group of Newspapers, that publishes Jang and The News. During late 1998 and early 1999, the government of Prime Minister Sharif reportedly prevented the Jang group of newspapers from publishing.¹¹⁶ In addition to the above mentioned pressure, the Jang publisher said that the Chief of the Accountability Commission asked him to remove 15 senior editors and journalists because of their critical articles. Other journals such as Newsline, The Muslim, Friday Time, have also been targeted. Newspapers that support the government are not being investigated.¹¹⁷

The government of General Musharraf appeared to cease direct attempts to manage the press. Articles critical of the Musharraf regime appeared regularly in the press. Editors and journalists reported no attempts by government agencies to influence editorial contents, however, some journalists continued to practice self-censorship.¹¹⁸

Freedom of Assembly and Association

The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order". Although the government generally permits peaceful assembly, it occasionally interferes with large rallies, sometimes preventing leaders of politico-religious parties from travelling to certain areas if it believed that their presence would increase sectarian tension or cause public violence.¹¹⁹

The Constitution also provides for freedom of association. General Musharraf did not ban political parties, and the ones active prior to the coup d'état continued their activities.

There are several domestic human rights organizations and new ones continue to be formed. These groups are generally free to operate without government restriction.

During the course of 1999, the Punjab provincial government imposed restrictions on the registration of new groups and initiated the drafting of a law that facilitated its ability to regulate the province's remaining NGOs.¹²⁰ The restrictions included the request for clearance from provincial and federal intelligence agencies prior to registering with the Department of Social Welfare. By May 1999, the Social Welfare

¹¹⁴ USDOS, Country Report on Human Rights Practices for 1998, Pakistan, Section 2a.

¹¹⁵ Far Eastern Economic Review, Taxing Tactics: Sharif's Government Leans on Press Critics, 14 January 1999.

¹¹⁶ Human Rights Watch, World Report 2000, 208.

¹¹⁷ Far Eastern Economic Review, Taxing Tactics: Sharif's Government Leans on Press Critics, 14 January 1999.

¹¹⁸ USDOS, Country Report on Human Rights Practices for 1999, Pakistan.

¹¹⁹ USDOS, Country Report on Human Rights Practices for 1998, Pakistan, Section 2b.

¹²⁰ Human Rights Watch World Report 2000, 209.

Department of Punjab reportedly revoked the registration of 1,941 NGOs and shutting down one third of the 5,967 NGOs registered in the province of Punjab.¹²¹

The government of General Musharraf began an effort to reach out to civil society. After taking office, the new Punjab government under General Musharraf lifted the ban on NGO registration.¹²²

Freedom of Movement

Most citizens enjoy freedom of movement within the country and the freedom to travel abroad, however, the Government at times limits these rights.

An Exit Control List (ECL), regularly revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption or other offenses. No judicial action is required to add a name to the ECL, and there is no judicial recourse or formal appeal mechanism if one's name is added.

The Human Rights Commission of Pakistan estimates that there were 1,738 individuals reportedly on the ECL, in late 1998. One year later, the press reported that as many as 8,000 persons suspected of corruption were believed to be on the ECL, many of them placed on the list by the government of General Musharraf. After the coup d'état, all parliamentarians were placed on the ECL.

The government of Nawaz Sharif used the ECL to harass political opponents or for personal revenge. General Musharraf stepped up the use of the ECL, particularly to prevent those suspected of loan defaults or corruption from leaving the country.¹²³

Women

Throughout 1999, the government was reported to have failed to uphold the civil liberties of women or to punish "honor killings."¹²⁴ In August 1999, the Pakistan Senate voted to block debate over a draft resolution condemning incidents of violence against women.¹²⁵ Only four members of the Senate voted in favor of discussing the draft.

Police continued to register criminal charges against women who married men of their choice without the consent of their male guardians, despite judgments of the higher judiciary that women have a right to do so.¹²⁶

Women are frequently charged under the *Hudood*¹²⁷ laws on sexual misconduct, such as adultery. Approximately one-third of the women in jails in Lahore, Peshawar and

¹²¹ Ibid., 209.

¹²² USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 4.

¹²³ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 2d.

¹²⁴ Human Rights Watch, World Report 2000, 208.

¹²⁵ Ibid., 208.

¹²⁶ Amnesty International, Annual Report, 1999.

¹²⁷ For information regarding the Hudood Ordinances refer to the May 1998 Background Paper on Pakistan, Chapter 3.2.

Mardan are awaiting trial for adultery. One human rights monitor claimed that 80 percent of all adultery-related *Hudood* cases are filed without any supporting evidence.¹²⁸

The United Nations Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, observed that in death penalty cases the testimony of women is not heard. He also stated that pregnant women may be sentenced to death without the assurance that the execution will be delayed until after the birth.¹²⁹ In April 1999, the Special Rapporteur further expressed concern over the growing number of "honor killings" in Pakistan, and urged the government to seriously address the issue, and support crisis centres and shelters for women victims.¹³⁰

Women's NGOs emerged as a special target of harassment, and reportedly a high ranking official accused women's institutions, such as the Applied Socio-Economic Research (ASR) Institute of Women's Studies, to have brainwashed young women and led them to pursue a course that conflicted with government policies.¹³¹ In May 1999, the government of Sindh in the Punjab province, upon the directive of the federal government, initiated an inquiry into the alleged embezzlement of over 1 million US Dollars by Shirkat Gah, a prominent women's rights NGO, and its involvement in anti-state activities.¹³²

Afghan Refugees

The primary objectives of UNHCR in Pakistan vis-à-vis the Afghan refugees residing in officially recognized refugee villages are:

- ☐ to ensure a rapid response and adequate protection measures for women at risk and security cases;
- ☐ to verify and register up to 100,000 refugees requesting repatriation assistance, as well as to mobilize assistance inside Afghanistan for returning groups;
- ☐ to provide quality education with a focus on increasing girls' enrolment and ensuring a 90% attendance of students at all levels;
- ☐ to provide primary health care accessible to all refugees, especially the very poor and sensitive to the specific needs of women¹³³

UNHCR estimates that there are some 1,200,000 Afghan refugees residing in 203 officially recognized refugee villages. This caseload is a remnant of a much larger group (over 3 million in 1990) the majority of whom returned to Afghanistan in 1992. The Government of Pakistan considers that, in addition, there are some 2 million Afghan refugees living in urban centres not assisted by UNHCR.¹³⁴

The first major influx of Afghan refugees into Pakistan took place in 1979 following the Soviet invasion and subsequent influxes have taken place as the conflict in Afghanistan evolved. Thus, some 74,000 refugees arrived in Pakistan in 1994 following the factional

¹²⁸ USDOS, Country Report on Human Rights Practices for 1998, Pakistan, Section 1c.

¹²⁹ United Nations Commission on Human Rights, Report of the Special Rapporteur on Violence Against Women, E/CN.4/1998/54.

¹³⁰ Ibid.

¹³¹ Human Rights Watch, World Report 2000, 210.

¹³² Human Rights Watch, World Report 2000, 210.

¹³³ UNHCR, 1999 Country Report – Pakistan, 1999.

¹³⁴ Ibid.

fighting between Hezb-e-Islami and Jamiat-e-Islami. In 1996, after the Taliban captured Jalalabad and Kabul, some 50,000 refugees, mainly from Kabul, arrived in the North-West Frontier Province. The fall of Mazar-i-Sahrif in 1998 and the 1999 offensive led to new exodus. In 1999, as the Taliban struggled to extend their control in Afghanistan, some 30,000 new refugees, mostly Hazaras, arrived mainly in Baluchistan. Consequently, the protection situation of individual Afghan refugees depends on the time and reasons for fleeing from their country of origin.¹³⁵

In December 1999, the office of the United Nations High Commissioner for Refugees (UNHCR) was informed that in 1998 the Government of Pakistan had changed its policy of considering all Afghans as *prima facie* refugees since in their view Afghanistan had a legitimate government controlling 90% of the Afghan territory. Accordingly, only Afghans travelling with valid documents were to be officially authorized to enter Pakistan. The government wanted to see stepped up efforts towards the early repatriation of the Afghan refugees.¹³⁶ Under the new policy, all refugee determinations are to be made on a case by case basis. The shift in policy implies an increase in the number of Afghans to be repatriated and a decrease in the admission of new arrivals.¹³⁷

The change of government, through a military take over in October 1999, did not alter this policy. In practice, the porous nature of the border between the two countries and the long-standing migratory patterns of the Afghan population meant that cross border movements continued and only members of distinctive minority groups were detained or harassed. The security situation in the camps did not deteriorate but refugees in urban centres, particularly Hazaras in Quetta, were subjected to harassment and detention by the local authorities.¹³⁸

In 1999, a total of 91,834 individuals or 16,105 families repatriated mostly to the South-Eastern provinces of Afghanistan under the control of the Taliban, bringing the total number to 2,514,563 returnees since 1990. Return movements were hindered by the ongoing conflict in Afghanistan, lack of infrastructure, services and employment opportunities. The majority of them were Pashtoons and they repatriated both individually and in groups. The absence of a political settlement prevented the active promotion of repatriation, but the return of those refugees who decided to repatriate was facilitated. UNHCR Pakistan verified the voluntariness of their return and registered them in order to provide them with assistance for the return movement and their reintegration in Afghanistan.¹³⁹

There is no provision for permanent local settlement for refugees, however, the Government allows them to live and work in Pakistan. Many are self-reliant and live outside refugee camps. The declining socio-economic situation in Pakistan, linked to its

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 2d.

¹³⁸ UNHCR, 1999 Country Report – Pakistan, 1999.

¹³⁹ Ibid.

political instability, often led to public blaming of the Afghan refugees for a number of problems, ranging from unemployment to crime, and calling for their expulsion from the urban centres, and sometimes from the country.¹⁴⁰

Afghan refugees have limited access to legal protection and depend on the UNHCR. Some individual Afghan refugees continued to face acute protection problems due mainly to their perceived opposition to the Taliban, or in the case of women without the support of the traditional family/social structures.¹⁴¹ Police officials frequently attempt to prevent Afghan nationals from entering the cities and some have reportedly been forced back to the refugee camps. Male refugees have found at least intermittent employment but are not covered by labor laws. Women and girls obtain education and health care from NGO's.¹⁴²

Human Rights Watch reported that the Pakistan Commissioner for Afghan Refugees (CAR), the body responsible for security in Afghan refugee camps, has also been responsible for abuses. On 6 April 1998, two Afghan women were reportedly raped after being abducted from a bus. The driver was arrested but was released after he apparently paid a bribe to the police. The refugees' complaints prompted the CAR to investigate the case and the driver was rearrested. Refugees also reported routine harassment by the Pakistan police who threatened to arrest them or demanded bribes.¹⁴³

Other Refugees

UNHCR is also involved in the protection and assistance of some 2,400 asylum-seekers and refugees, mainly Iraqis, Iranians and Somalis, residing in Islamabad, Rawalpindi and other urban centres. The Government of Pakistan does not recognize any non-Afghan as a refugee, and therefore UNHCR is responsible for their refugee status determination. Having no legal status in Pakistan, they are not allowed to work in the formal sector nor can their children attend public schools. During 1999, 281 cases were resettled and 766 cases received care and maintenance while awaiting resettlement.¹⁴⁴

6. Pakistani Refugees and Asylum Seekers – Global Trends

At the end of 1999, UNHCR Offices worldwide reported few Pakistani refugees. Whereas 45 Pakistani refugees were reported to be living in Brazil and some 27 in Argentina, 10 other asylum countries reported a Pakistani refugee population of less than 10 persons. Two Pakistani refugees were resettled with UNHCR-assistance from Hong Kong, China (SAR) during 1999. No reports were received concerning Pakistani refugees returning to their country of origin ("returnees").

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² USDOS, Country Report on Human Rights Practices for 1999, Pakistan, Section 2d.

¹⁴³ Human Rights Watch, World Report 1999, 204.

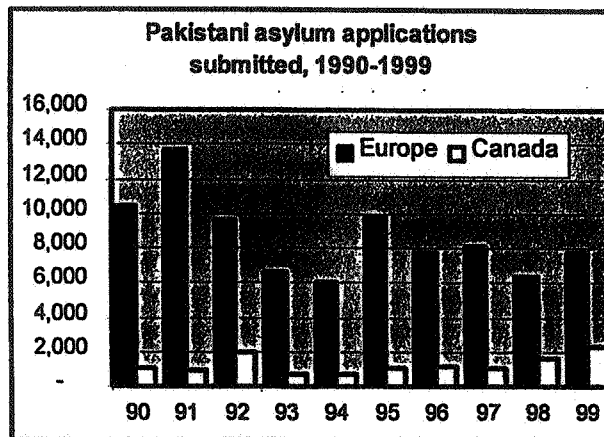
¹⁴⁴ UNHCR, 1999 Country Report – Pakistan, 1999.

The number of Pakistani asylum-seekers who applied for individual asylum as well as the determination of these claims is, however, a much better indicator for the presence of Pakistani refugees and their protection situation, particularly in industrialized countries. Therefore, the rest of this chapter analyzes these statistics, both from a regional and a global perspective.

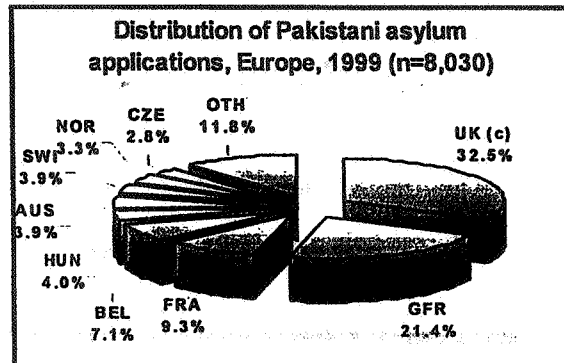
6.1 Europe and North America, 1990-1999

Asylum applications

During the period 1990-1999, some 86,200 Pakistani citizens applied for asylum in Europe. In 1992 a peak was reached when some 13,700 applications were lodged. In 1999, 7,740 applications were submitted, an increase of 20 per cent over 1998 (6,430). In Canada, Pakistani asylum applications increased from 1,100 or less during much of the decade to 2,300 in 1999. In the United States, the number of Pakistani applications to the Immigration and Naturalization Service (INS) peaked in 1993 (4,510) after which it fell annually, to less than 340 during US Fiscal Year (FY) 1999 (see box and Table 1).



During the period 1990-1999, Germany received 39 per cent of all Pakistani applications lodged in Europe, followed by United Kingdom (UK) (23 per cent, cases only), France (10 per cent), Belgium (7.6 per cent) and Switzerland (7 per cent). During 1999, the distribution of Pakistani asylum applicants in Europe was quite different, however, with the UK receiving 33 per cent, Germany 21 per cent and France receiving 9 per cent (see box).

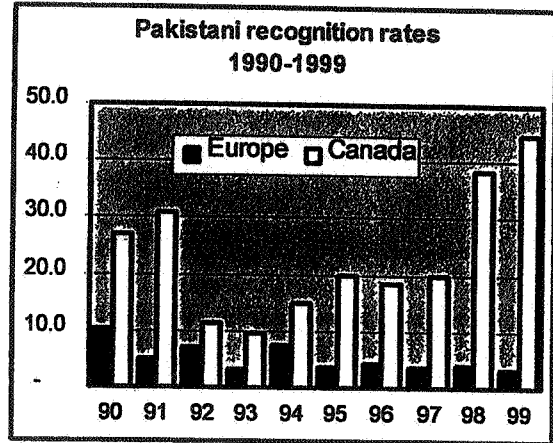


Decisions

During 1990-1999, the Canadian Immigration and Refugee Board granted asylum to some 4,630 Pakistani asylum-seekers, whereas the US INS approved some 1,670 cases. Germany recognized 79 per cent of all Pakistani granted Convention refugee status in Europe (2,850) (see Table 2.). During 1999, the number of Pakistani citizens granted Convention refugee status in Europe (210) was equal to that in 1998 (210), whereas in Canada, the figure increased from 560 in 1998 to 960 in 1999.

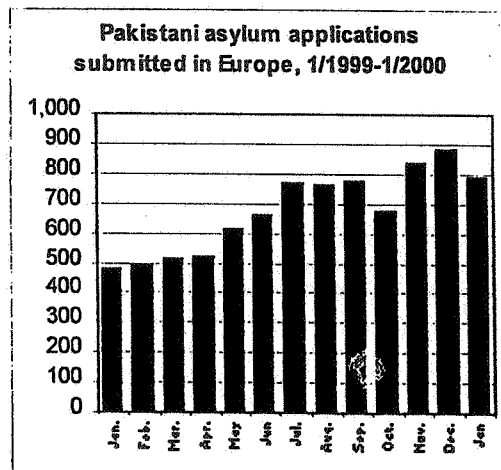
During 1990-1999, almost 1,000 Pakistani asylum-seekers were granted humanitarian status in Europe, almost half (405) of whom were recognized by the UK in 1992. In 1998 and 1999, less than 50 Pakistani asylum-seekers were granted humanitarian status in Europe each year (Table 3).

As a result of the above trends, the total recognition rate for Pakistani asylum-seekers in Europe has been below 5 per cent since 1995 (see Table 6 and box). In Canada, however, 30-40 per cent of all Pakistani asylum-seekers was granted refugee status by the IRB. The high rate in the US (more than 50 per cent in US FY 1998 and 1999) is explained by the fact that the asylum applications decided by the Executive Office for Immigration Review (EOIR) are not included in tables presented here.



Monthly trends during 1999 and 2000

Monthly asylum applications lodged by Pakistani citizens in Europe during 1999 show a steady increase, from less than 500 in January and February to reach more than 800 in November and December 1999. In January 2000, however, the figure fell by 11 per cent to reach 790 (see box and Table 7). In January 2000, the United Kingdom received 43 per cent of all Pakistani that applied for asylum in Europe, followed by Germany (16.5 per cent) and Belgium (15.1 per cent).



6.2 Pakistani asylum applications from a global perspective

During 1998, some 50 asylum countries reported applications for asylum lodged by Pakistani citizens, with the largest numbers reported by the United Kingdom (1,975 cases), Canada (1,610), Germany (1,520), South Africa (965) and France (810). Total recognition rates, calculated with the number of decisions as denominator, varied from more than 40 per cent in Australia and Canada to less than 10 per cent in virtually all other asylum countries. The rate was 1 per cent or less in South Africa and the United Kingdom (see Table 8).

Although to date only 45 asylum countries reported data on Pakistani asylum applications for 1999, the total number of applications (11,200) is already exceeding that of 1998 (9,850). The main receiving countries are similar to those in 1999, with the United Kingdom receiving 2,615 applications (cases only), followed by Canada (2,340), Germany (1,730), South Africa (1,310) and France (740) (see Table 9). Recognition rates for Pakistani asylum-seekers during 1999 show, overall, the same trend as during 1998.

Table 1. Number of asylum applications submitted											
Pakistan											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	408	1,392	289	144	88	114	270	221	242	317	3,465
Belgium	846	913	715	1,280	623	378	300	465	437	566	6,523
Bulgaria	-	-	-	-	-	-	-	8	16	25	51
Czech Rep.	-	-	-	-	-	-	-	11	76	223	312
Denmark	42	68	41	50	113	133	172	122	73	94	908
Finland	18	15	*	9	*	12	10	15	8	16	111
France	1,737	1,880	846	499	446	549	491	693	813	744	8,678
Germany	3,983	4,364	5,215	2,753	2,030	4,642	3,800	3,774	1,520	1,718	33,799
Greece	361	185	11	15	*	*	-	5	*	21	603
Hungary	-	-	-	-	-	-	-	-	127	322	451
Italy	*	23	16	39	16	57	-	23	60	-	238
Netherlands	208	218	108	103	184	236	258	217	211	157	1,898
Norway	31	14	17	23	26	31	16	26	140	265	589
Poland	-	-	-	-	-	34	173	350	179	47	783
Portugal	-	-	5	8	35	6	12	*	*	*	78
Spain	-	-	-	99	129	186	105	104	116	100	839
Sweden	80	73	-	46	71	81	34	67	122	194	768
Switzerland	1,213	1,339	631	409	420	437	483	448	314	316	6,010
UK (cases)	1,475	3,245	1,700	1,115	1,810	2,915	1,640	1,615	1,975	2,610	20,100
Canada	988	962	2,003	639	703	1,011	1,105	1,047	1,607	2,335	12,400
USA (cases)	98	498	3,348	4,511	3,339	2,352	2,934	1,439	364	338	19,221
Australia	-	-	-	-	-	-	-	167	151	-	318
Total	11,492	15,174	14,929	11,742	10,039	13,179	11,805	10,818	8,553	10,412	118,143
Total EUR	10,406	13,714	9,578	6,592	5,997	9,816	7,766	8,165	6,431	7,739	86,204
- EU-13	9,162	12,360	8,930	6,160	5,551	9,311	7,092	7,322	5,579	6,541	78,008

Table 2. Convention status granted

Pakistan

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	*	17	11	-	7	-	-	-	*	-	39
Belgium	-	7	8	11	29	14	31	14	21	61	196
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	*	-	-	-	*	-	*	-
Finland	-	-	-	-	-	-	-	-	-	-	-
France	19	17	16	22	11	8	7	9	11	-	120
Germany	963	551	134	111	297	220	180	121	141	127	2,845
Greece	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	*	*	-
Italy	-	*	*	*	7	9	-	*	8	5	37
Netherlands	-	*	30	-	*	5	33	27	5	8	110
Norway	-	-	-	-	-	-	-	-	*	-	*
Poland	-	-	-	-	-	-	*	-	*	-	*
Portugal	-	-	-	-	-	-	-	-	-	-	*
Spain	-	-	-	-	*	*	*	*	5	6	24
Sweden	-	-	-	-	*	-	-	*	-	-	*
Switzerland	-	16	27	34	32	21	19	11	8	*	170
UK (cases)	5	5	-	-	5	10	5	10	5	-	45
Canada	267	446	570	375	435	337	346	332	561	962	4,631
USA (cases)	8	5	39	126	162	329	400	164	193	234	1,660
Australia	-	-	-	-	-	-	-	32	143	17	192
Total	1,265	1,067	837	683	991	958	1,025	730	1,108	1,423	10,087
Total EUR	990	616	228	182	394	292	279	202	211	210	3,604
EU-13	990	600	201	148	362	271	257	191	197	208	3,425

In all tables, numbers below 5 have been replaced by an asterisk

(7)

Table 3. Humanitarian status granted <i>Pakistan</i>											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	-	-	-	-	-	-	-	-	-	-	-
Belgium	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	*	*	*	-	-	*	-	*	*	11
Finland	-	-	10	*	*	-	*	-	-	-	16
France	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	9	5	*	*	*	21
Greece	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	*	*
Italy	-	-	-	-	-	-	-	-	-	-	-
Netherlands	*	9	20	-	*	10	16	14	*	6	83
Norway	8	-	-	-	-	*	*	*	*	18	34
Poland	-	-	-	-	-	-	-	-	-	*	*
Portugal	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-	-	-	-
Sweden	21	5	19	-	18	*	*	11	8	-	87
Switzerland	-	-	-	-	-	-	16	9	*	*	31
UK (cases)	50	65	405	35	25	25	15	45	15	-	680
Canada	-	-	-	-	-	-	-	-	-	-	-
USA (cases)	-	-	-	-	-	-	-	-	-	-	-
Australia	-	-	-	-	-	-	-	-	-	-	-
Total	82	80	455	39	45	48	61	85	35	38	968
Total EUR	82	80	455	39	45	48	61	85	35	38	968
EU-T3	74	80	455	39	45	45	44	73	31	12	898

Table 4. Refugee and humanitarian status <i>Pakistan</i>											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	*	17	11	-	7	-	-	-	*	-	39
Belgium	-	7	8	11	29	14	31	14	21	61	186
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	*	*	*	-	-	*	*	*	5	15
Finland	-	-	10	*	*	-	*	-	-	-	16
France	19	17	16	22	11	8	7	9	11	-	120
Germany	963	551	134	111	297	229	185	124	143	129	2,866
Greece	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	*	*	*
Italy	-	*	*	*	7	9	-	*	8	5	37
Netherlands	*	10	50	-	*	15	49	41	9	14	193
Norway	8	-	-	-	-	*	*	*	5	18	38
Poland	-	-	-	-	-	-	*	-	*	*	6
Portugal	-	-	-	-	-	*	-	-	-	-	*
Spain	-	-	-	-	*	*	*	*	5	6	24
Sweden	21	5	19	-	19	*	*	14	8	-	91
Switzerland	-	16	27	34	32	21	35	20	11	5	201
UK (cases)	55	70	405	35	30	35	20	55	20	-	725
Canada	267	446	570	375	435	337	346	332	561	962	4,631
USA (cases)	8	5	39	126	162	329	400	164	193	234	1,660
Australia	-	-	-	-	-	-	-	32	143	17	192
Total	1,347	1,147	1,292	722	1,036	1,006	1,086	815	1,143	1,461	11,055
Total EUR	1,072	696	683	221	476	340	340	287	246	248	4,572
EU-13	1,064	680	656	187	407	316	301	264	228	220	4,323

Pakistan											
Table 5. Convention recognition rates (Convention status divided by Total applications * 100%)											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	0.7	1.2	4.1	-	8.0	-	-	-	0.4	-	1.1
Belgium	-	0.8	1.1	0.9	4.7	3.7	10.3	3.0	4.8	10.8	3.0
Bulgaria	..	..	..	..	..	..	-	-	-	-	-
Czech Rep.	..	-	..	..	..	-	..	-	-	-	-
Denmark	-	-	-	2.0	-	-	-	1.8	-	1.1	0.4
Finland	-	-	-	-	-	-	-	-	-	-	-
France	1.1	0.9	1.9	4.4	2.5	1.5	1.4	1.3	1.4	-	1.4
Germany	24.2	12.6	2.6	4.0	14.6	4.7	4.7	3.2	9.3	7.4	8.4
Greece	-	-	-	-	-	-	..	-	-	-	-
Hungary	..	..	..	..	..	-	..	..	0.8	-	0.2
Italy	-	8.7	12.5	7.7	43.8	15.8	..	4.3	13.3	..	15.5
Netherlands	-	0.5	27.8	-	0.5	2.1	12.8	12.4	2.4	5.1	5.8
Norway	-	-	-	-	-	-	-	-	2.9	-	0.7
Poland	..	..	..	..	..	-	1.7	-	0.6	-	0.5
Portugal	-	-	-	-	-	16.7	-	-	-	-	1.3
Spain	..	..	..	-	3.1	2.2	1.0	3.8	4.3	6.0	2.9
Sweden	-	-	-	-	1.4	-	-	4.5	-	-	0.5
Switzerland	-	1.2	4.3	8.3	7.6	4.8	3.9	2.5	2.5	0.6	2.8
UK (cases)	0.3	0.2	-	-	0.3	0.3	0.3	0.6	0.3	-	0.2
Canada	27.0	46.4	28.5	58.7	61.9	33.3	31.3	31.7	34.9	41.2	37.3
USA (cases)	8.2	1.0	1.2	2.8	4.9	14.0	13.6	11.4	53.0	69.2	8.6
Australia	..	..	..	..	..	..	..	19.2	94.7	..	60.4
Total	11.0	7.0	5.6	5.8	9.9	7.3	8.7	6.7	13.0	13.7	8.5
Total EUR	9.5	4.5	2.4	2.8	6.6	3.0	3.8	2.5	3.3	2.7	4.2
EU-13	10.8	4.9	2.3	2.4	6.5	2.9	3.6	2.6	3.5	3.2	4.4

Table 6. Total recognition rates											Pakistan
(Convention and humanitarian status divided by Total applications * 100%)											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	0.7	1.2	4.1	-	8.0	-	-	-	0.4	-	1.1
Belgium	-	0.8	1.1	0.9	4.7	3.7	10.3	3.0	4.8	10.8	3.0
Bulgaria	..	..	..	..	..	..	-	-	-	-	-
Czech Rep.	..	-	..	..	..	-	..	-	-	-	-
Denmark	-	1.5	2.4	6.0	-	-	0.6	1.6	2.7	5.3	1.7
Finland	-	-	250.0	22.2	25.0	-	30.0	-	-	-	14.4
France	1.1	0.9	1.9	4.4	2.5	1.5	1.4	1.3	1.4	-	1.4
Germany	24.2	12.6	2.6	4.0	14.6	4.9	4.9	3.3	9.4	7.5	8.5
Greece	-	-	-	-	-	-	..	-	-	-	-
Hungary	..	..	..	..	..	-	..	..	0.8	0.9	0.9
Italy	-	8.7	12.5	7.7	43.8	15.8	..	4.3	13.3	..	15.5
Netherlands	1.5	4.6	46.3	-	1.1	6.4	19.0	18.9	4.3	8.9	10.2
Norway	25.8	-	-	-	-	9.7	6.3	11.5	3.6	6.8	6.5
Poland	..	..	..	..	..	-	1.7	-	0.6	4.3	0.8
Portugal	-	-	-	-	-	16.7	-	-	-	-	1.3
Spain	..	..	..	-	3.1	2.2	1.0	3.8	4.3	6.0	2.9
Sweden	26.3	6.8	..	-	26.8	1.2	11.8	20.9	6.6	-	11.8
Switzerland	-	1.2	4.3	8.3	7.6	4.8	7.2	4.5	3.5	1.6	3.3
UK (cases)	3.7	2.2	23.8	3.1	1.7	1.2	1.2	3.4	1.0	-	3.6
Canada	27.0	46.4	28.5	58.7	61.9	33.3	31.3	31.7	34.9	41.2	37.3
USA (cases)	8.2	1.0	1.2	2.8	4.9	14.0	13.6	11.4	53.0	69.2	8.6
Australia	..	..	..	..	..	..	..	19.2	94.7	..	60.4
Total	11.7	7.6	8.7	6.1	10.3	7.6	9.2	7.5	13.4	14.0	9.4
Total EUR	10.3	5.1	7.1	3.4	7.3	3.5	4.4	3.5	3.8	3.2	5.3
EU-13	11.6	5.5	7.3	3.0	7.3	3.4	4.2	3.6	4.1	3.4	5.5

Table 7. Monthly asylum applications lodged in Europe, 1999														Origin: Pakistan	
Asylum country	Jan.	Feb.	Mar.	Apr.	May	Jun	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total		
Austria	30	11	17	29	22	35	29	7	28	37	36	36	317		
Belgium	33	33	35	33	24	21	43	30	49	67	83	115	566		
Bulgaria	"	5	"	"	"	"	"	0	0	0	6	"	25		
Czech Rep.	22	14	11	16	31	14	20	18	21	18	20	18	223		
Denmark	"	"	"	5	11	"	15	7	7	12	21	"	94		
Finland	"	0	"	0	0	"	"	"	"	"	"	"	16		
France	23	31	51	39	44	64	90	86	87	62	84	83	744		
Germany	128	130	104	131	133	148	162	156	173	163	151	139	1,718		
Greece	"	"	0	"	0	0	0	0	0	"	7	"	21		
Hungary	39	41	37	11	27	21	38	51	10	17	22	8	322		
Ireland	0	"	"	"	5	"	"	6	13	"	8	13	60		
Liechtenstein	0	0	0	0	0	0	0	0	0	0	0	0	0		
Luxembourg	0	0	0	0	0	0	0	"	0	0	0	0	7		
Netherlands	14	"	17	18	13	12	7	19	9	11	12	21	157		
Norway	15	"	8	12	23	23	14	22	29	43	26	46	265		
Poland	"	0	"	"	0	5	5	0	"	8	19	"	47		
Portugal	0	0	0	"	0	"	"	"	0	0	0	0	"		
Romania	"	"	"	"	5	5	7	12	17	15	15	15	102		
Slovakia	0	"	-5	"	7	12	20	8	9	"	13	12	94		
Slovenia	0	0	0	0	0	0	0	0	6	"	14	"	25		
Spain	"	9	10	"	17	9	14	"	5	14	8	8	100		
Sweden	14	13	19	12	11	19	17	26	13	0	16	34	194		
Switzerland	21	31	26	17	26	24	26	28	36	22	38	21	316		
UK (cases)	130	155	165	190	215	240	280	280	265	170	240	300	2,610		
EU (N=14)	381	395	424	461	495	558	644	628	650	547	667	758	6,608		
Total Europe	483	495	519	525	617	664	775	767	780	675	840	887	8,027		

Monthly asylum applications lodged in European countries, 1999 (%)														Origin: Pakistan	
Asylum country	Jan.	Feb.	Mar.	Apr.	May	Jun	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total		
Austria	6.2	2.2	3.3	5.5	3.6	5.3	3.7	0.9	3.6	5.5	4.3	4.1	3.9		
Belgium	6.8	6.7	6.7	6.3	3.9	3.2	5.5	3.9	6.3	9.9	9.9	13.0	7.1		
Bulgaria	0.4	1.0	0.2	0.2	0.5	0.3	0.1	-	-	-	0.7	0.5	0.3		
Czech Republic	4.6	2.8	2.1	3.0	5.0	2.1	2.6	2.3	2.7	2.7	2.4	2.0	2.8		
Denmark	0.8	0.6	0.6	1.0	1.8	0.6	1.9	0.9	0.9	1.8	2.5	0.2	1.2		
Finland	0.4	-	0.2	-	-	0.2	0.3	0.3	0.1	0.4	0.1	0.3	0.2		
France	4.8	6.3	9.8	7.4	7.1	9.6	11.6	11.2	11.2	9.2	10.0	9.4	9.3		
Germany	26.5	26.3	20.0	25.0	21.6	22.3	20.9	20.3	22.2	24.1	18.0	15.7	21.4		
Greece	0.4	0.6	-	0.2	-	-	-	-	-	0.6	0.8	0.5	0.3		
Hungary	8.1	8.3	7.1	2.1	4.4	3.2	4.9	6.6	1.3	2.5	2.6	0.9	4.0		
Ireland	-	0.6	0.4	0.2	0.8	0.6	0.1	0.8	1.7	0.6	1.0	1.5	0.7		
Liechtenstein	-	-	-	-	-	-	-	-	-	-	-	-	-		
Luxembourg	-	-	-	-	-	-	0.4	0.5	-	-	-	-	0.1		
Netherlands	2.9	0.8	3.3	3.4	2.1	1.8	0.9	2.5	1.2	1.6	1.4	2.4	2.0		
Norway	3.1	0.8	1.5	2.3	3.7	3.5	1.8	2.9	3.7	6.4	3.1	5.2	3.3		
Poland	0.4	-	0.6	0.4	-	0.8	0.6	-	0.3	1.2	2.3	0.1	0.6		
Portugal	-	-	-	0.2	-	0.2	0.1	0.1	-	-	-	-	0.0		
Romania	0.2	0.4	0.8	0.8	0.8	0.8	0.9	1.6	2.2	2.2	1.8	1.7	1.3		
Slovakia	-	0.6	1.0	0.2	1.1	1.8	2.6	1.0	1.2	0.6	1.5	1.4	1.2		
Slovenia	-	-	-	-	-	-	-	-	0.8	0.1	1.7	0.5	0.3		
Spain	0.2	1.8	1.9	0.2	2.8	1.4	1.8	0.5	0.6	2.1	1.0	0.9	1.2		
Sweden	2.9	2.6	3.7	2.3	1.8	2.9	2.2	3.4	1.7	-	1.9	3.8	2.4		
Switzerland	4.3	6.3	5.0	3.2	4.2	3.6	3.4	3.7	4.6	3.3	4.5	2.4	3.9		
UK (cases)	26.9	31.3	31.8	36.2	34.8	36.1	33.5	36.5	34.0	25.2	28.6	33.8	32.5		
EU (N=14)	78.9	79.8	81.7	87.8	80.2	84.0	83.1	81.9	83.3	81.0	79.4	85.5	82.3		
Total Europe	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		

Notes

All figures are provisional, subject to change. Data refer to no. of persons (UK and Slovenia: no. of cases). Source: Governments

Germany: excluding "re-opened" applications. A zero indicates that the value is zero or not available. Compiled by UNHCR.

Table 8. Global applications and refugee status determination, 1998								Origin: Pakistan			
Asylum country	Pending cases begin year	Cases submitted during year	Decisions during year					Pending cases end of year	Recognition rates (%)		
			Recognized		Rejected	Otherw. closed	Total		Ref. status	Total	
			Refugee status	Other						Total	Excl. O/w. cl.
Armenia	-	-	-	-	-	-	-	-	-	-	-
Australia	-	151	143	-	176	-	319	-	44.8	44.8	44.8
Austria	-	242	-	-	40	180	201	-	0.5	0.5	2.4
Belarus	-	8	-	-	-	-	-	-	-	-	-
Belgium	-	437	21	-	202	16	239	-	8.8	8.8	9.4
Brazil	-	37	-	-	34	-	34	5	-	-	-
Bulgaria	14	16	-	-	-	8	9	21	-	-	-
Canada	1,278	1,607	561	-	440	309	1,310	1,617	42.8	42.8	56.0
Cyprus	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	6	76	-	-	20	33	53	29	-	-	-
Denmark	-	73	-	-	45	-	47	-	-	4.3	4.3
Dominican Rep.	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-	-	-
Finland	15	8	-	-	-	-	-	17	-	-	-
France	-	813	11	-	875	-	886	-	1.2	1.2	1.2
Georgia	-	9	-	-	9	-	9	-	-	-	-
Germany	842	1,520	141	-	2,890	85	3,118	417	4.5	4.6	4.7
Greece	-	-	-	-	-	-	-	-	-	-	-
HK, China (SAR)	-	14	-	-	9	-	10	5	-	-	-
Hungary	-	127	-	-	25	8	34	93	2.9	2.9	3.8
Ireland	-	27	-	-	-	-	-	-	-	-	-
Italy	-	60	8	-	48	-	57	-	14.0	14.0	14.3
Japan	25	20	-	-	19	-	24	21	4.2	4.2	5.0
Jordan	-	7	-	-	-	-	-	7	-	-	-
Latvia	-	6	-	-	-	-	-	-	-	-	-
Lebanon	-	-	-	-	-	-	-	-	-	-	-
Lithuania	8	15	-	-	-	17	18	5	-	-	-
Luxembourg	-	8	-	-	-	-	-	-	-	-	-
Malaysia	-	9	-	-	5	-	8	-	-	-	-
Netherlands	-	211	5	-	102	182	293	-	1.7	3.1	8.1
Norway	-	140	-	-	67	-	72	-	5.6	6.9	6.9
Philippines	-	-	-	-	-	-	-	-	-	-	-
Poland	74	179	-	-	77	129	207	46	0.5	0.5	1.3
Portugal	-	-	-	-	-	-	-	-	-	-	-
Rep. of Korea	-	-	-	-	-	-	-	-	-	-	-
Rep. of Moldova	-	-	-	-	-	-	-	-	-	-	-
Romania	75	89	-	-	153	11	165	-	0.6	0.6	0.6
Russian Federation	64	-	-	-	-	62	62	-	-	-	-
Slovenia	-	17	-	-	-	-	-	16	-	-	-
South Africa	2,246	965	5	-	1,548	15	1,568	1,643	0.3	0.3	0.3
Spain	-	121	5	-	102	-	107	-	4.7	4.7	4.7
Sri Lanka	-	14	-	-	-	-	-	14	-	-	-
Sweden	-	122	-	8	92	8	100	-	-	8.0	8.0
Switzerland	258	314	8	-	247	107	365	222	2.2	3.0	4.3
Turkey	11	-	-	-	-	7	7	5	-	-	-
Ukraine	-	33	-	-	34	-	34	-	-	-	-
United Arab Emirates	-	-	-	-	-	-	-	-	-	-	-
United Kingdom	-	1,975	5	15	1,625	325	1,970	1,070	0.3	1.0	1.2
United States	3,102	364	193	-	142	1,841	2,176	1,232	8.9	8.9	57.6
Zimbabwe	-	-	-	-	-	-	-	-	100.0	100.0	100.0
Total	8,029	9,846	1,117	35	9,034	3,334	13,512	6,503	8.3	8.5	11.3

Table 9. Global applications and refugee status determination, 1999

Origin: Pakistan

Asylum country	Pending cases begin year	Cases submitted during year	Decisions during year					Pending cases end of year	Recognition rates (%)			(*)
			Recognized		Rejected	Otherw. closed	Total		Ref. status	Total		
			Refugee status	Other						Total	Excl. OAw. cl.	
Argentina	13	6	7	-	-	-	7	12	100.0	100.0	100.0	
Australia	-	-	17	-	-	-	17	218	100.0	100.0	100.0	
Azerbaijan	-	-	-	-	-	-	-	-	-	-	-	
Belarus	-	24	-	-	-	6	7	19	-	-	-	
Belgium	-	566	61	-	221	9	291	-	21.0	21.0	21.8	
Brazil	5	54	-	-	6	18	22	37	-	-	-	
Bulgaria	21	25	-	-	5	11	16	30	-	-	-	
Cambodia	-	-	-	-	-	-	-	-	-	-	-	
Canada	-	2,335	962	-	623	327	1,912	2,055	50.3	50.3	60.7	
Cyprus	-	-	-	-	-	-	-	5	-	-	-	
Czech Rep.	29	223	-	-	34	190	224	28	-	-	-	FI
Czech Rep.	31	266	-	-	66	190	256	41	-	-	-	AR
Denmark	-	93	-	-	136	-	141	-	0.7	3.5	3.5	
Dominican Rep.	-	-	-	-	-	-	-	-	-	-	-	
Estonia	-	6	-	-	-	-	-	7	-	-	-	
Finland	-	16	-	-	8	-	12	-	-	-	-	
Germany	-	1,727	127	-	1,599	904	1,728	742	7.3	7.5	7.5	
HK, China (SAR)	6	7	-	-	9	-	11	-	18.2	18.2	18.2	
Hungary	93	322	-	-	119	206	328	87	-	0.9	2.5	
Ireland	-	60	-	-	31	6	37	-	-	-	-	
Italy	-	15	5	-	9	-	14	-	35.7	35.7	35.7	
Japan	24	55	-	-	20	6	26	53	-	-	-	
Jordan	7	-	-	-	-	7	7	-	-	-	-	
Kenya	-	32	-	-	31	-	32	-	-	-	-	
Latvia	-	-	-	-	-	-	-	-	75.0	75.0	75.0	
Lithuania	5	16	-	-	6	14	20	-	-	-	-	
Malaysia	-	-	-	-	5	-	5	-	-	-	-	
Nepal	-	-	-	-	-	-	-	-	-	-	-	
Netherlands	-	157	8	6	218	-	232	-	3.4	6.0	6.0	
Norway	-	265	-	18	231	-	249	16	-	7.2	7.2	
Poland	-	47	-	-	22	25	49	-	-	4.1	8.3	
Rep. of Korea	-	-	-	-	-	-	-	-	-	-	-	HCR
Rep. of Korea	-	-	-	-	-	-	-	-	-	-	-	GVT
Rep. of Moldova	-	-	-	-	-	-	-	-	-	-	-	
Singapore	-	-	-	-	-	-	-	-	-	-	-	
Slovakia	-	86	-	-	-	20	22	64	-	-	-	
Slovenia	16	25	-	-	-	18	22	19	-	-	-	
South Africa	1,643	1,310	-	-	1,418	146	1,565	1,388	0.1	0.1	0.1	
Spain	14	100	6	-	68	-	75	39	8.0	8.0	8.1	
Sri Lanka	14	-	-	-	17	-	17	-	-	-	-	
Switzerland	222	323	-	-	203	114	319	240	0.6	1.6	2.4	
Syrian Arab Rep.	-	8	-	-	7	-	7	-	-	-	-	
Turkey	5	7	-	-	-	7	7	5	-	-	-	
Ukraine	-	38	-	-	38	-	38	-	-	-	-	
United Arab Emirates	-	-	-	-	-	-	-	-	-	-	-	
United Kingdom	-	2,615	-	-	-	-	-	-	-	-	-	
United States	1,209	338	234	-	53	574	861	647	27.2	27.2	81.5	
Total	3,371	11,189	1,436	38	5,219	2,807	8,593	5,769	16.7	17.2	22.0	

Notes

All data are provisional, subject to change. Country of asylum list is incomplete.

A zero may mean that the value is zero or not reported.

FI = First instance, AR=Administrative Review, HCR=UNHCR procedure, GVT=Government procedure

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