



COUNTRY OF ORIGIN INFORMATION REPORT

PAKISTAN

16 APRIL 2009

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Preface

- i. This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 22 March 2009. The 'Latest News' section contains further brief information on events and reports accessed from 23 March to 14 April 2009. The report was issued on 16 April 2009.
- ii. The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii. The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv. The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v. The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi. As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Latest News

EVENTS IN PAKISTAN FROM 23 MARCH TO 14 APRIL 2009

- 14 April Following implementation of Islamic Sharia law in the Makaland division, North West Frontier Province, in February 2009, Pakistan President Asif Ali Zardari has now signed the controversial bill directly into law, which includes the Swat region.
BBC News, Pakistan passes Swat Sharia deal, 14 April 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7996560.stm
Date accessed 14 April 2009
- 10 April The deaths of three ethnic leaders in Balochistan resulted in riots and a three day general strike in the province. The three men apparently went missing after being detained by security forces.
BBC News, Balochistan deaths spark strikes, 10 April 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7993352.stm
Date accessed 13 April 2009
- 6 April A video showing a teenage girl being flogged was being investigated by police on the orders of Chief Justice Iftikhar Chaudhry. The video of the public flogging, apparently by Taliban members, which was said to have taken place about six weeks ago, was circulated around Swat valley and has caused public outrage.
BBC News, Flogging probe begins in Pakistan, 6 April 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7984958.stm
Date accessed 13 April 2009
- 6 April Three Pakistani women promoting education, including two teachers and an aid worker, were found shot dead north of Islamabad, in an area where Islamists have attacked aid groups.
Reuters, Three Pakistani women promoting education killed, 6 April 2009
<http://www.alertnet.org/thenews/newsdesk/ISL428097.htm>
Date accessed 13 April 2009
- 4 April Pakistani police in Quetta, Balochistan province, found the bodies of 44 people inside a shipping container in what appeared to be a failed attempt at human trafficking. The container was en route to Iran from Afghanistan and most of the 150 people on inside were Afghans.
BBC News, Migrant bodies found in Pakistan, 4 April 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7983634.stm
Date accessed 13 April 2009
- 3 April A suspected US air strike killed 13 people in North Waziristan.
BBC News, 'Deadly air strike' in Pakistan, 3 April 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7982880.stm
Date accessed 13 April 2009
- 2 April Prime Minister Yousuf Raza Gilani invited the Pakistan Muslim League–Nawaz (PML-N) to join the federal cabinet in a meeting with Shabaz Sharif on 1 April. In turn, Sharif asked the Pakistan People's Party (PPP) to continue being part of the Punjab provincial government cabinet.
Daily Times, Shahbaz calls on Gilani in goodwill gesture: PML-N invited to join federal cabinet, 2 April 2009
http://www.dailytimes.com.pk/default.asp?page=2009\04\02\story_2-4-2009_pg1_1
Date accessed 2 April 2009

- 1 April On 31 March, after originally having ruled that Shabaz Sharif, one of the leaders of the PML-N, could not take part in electoral politics, the Supreme Court suspended the decision and restored him as chief minister of Punjab. The future of Mr Sharif's brother and fellow leader of the PML-N, Nawaz, who has also been suspended from electoral politics has yet to be decided.
Daily Times, SC restores Shahbaz govt, 1 April 2009
<http://www.dailytimes.com.pk/default.asp?date=4%2F1%2F2009>
Date accessed 2 April 2009
- 31 March Pakistan has received US \$500 million from the World Bank to help stabilise the economy during the recent political and economic turmoil.
Reuters, Pakistan receives \$500 mln from World Bank, 31 March 2009
<http://www.alertnet.org/thenews/newsdesk/SIN169040.htm>
Date accessed 31 March 2009
- 31 March On 30 March, gunmen attacked a police academy on the outskirts of Lahore, killing 18 and injuring 95 others. Security forces battled for eight hours before retaking control of the academy. Baitullah Meshud, chief of the Pakistani Taliban, claimed responsibility for the attack and said the attacks would continue "until the Pakistan government stops supporting the Americans."
BBC News, Lahore 'was Pakistan Taleban op', 31 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7973540.stm
Date accessed 31 March 2009
- 28 March According to Pakistan's army, at least 26 militants were killed in an attack near the Afghan border in the North West Frontier Province (NWFP).
BBC News, Pakistan army raid 'kills rebels', 28 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7969812.stm
Date accessed 31 March 2009
- 27 March A bomb exploded outside a mosque in Pakistan's Khyber Agency, in NWFP, killing at least 50 people and injuring 70 others. Officials say the attack was a suicide bombing.
BBC News, Deadly blast hits Pakistan mosque, 27 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7967594.stm
Date accessed 31 March 2009
- 26 March At least ten people were killed in a suicide bombing at a restaurant in South Waziristan in Pakistan's Federally Administered Tribal Area (FATA). It is thought that pro-government tribal leader Turkistan Bittani, a rival of local Taliban warlord Baitullah Meshud, was the target, although he had left the restaurant shortly before the attack.
BBC News, Deadly Pakistan restaurant blast, 26 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7964957.stm
Date accessed 26 March 2009
- 24 March Following his reinstatement and on his first day back at work, Chief Justice Iftikhar Chaudhry urged lawyers to wipe out corruption in the judiciary.
Dawn, Chief Justice Iftikhar calls for end to corruption, 24 March 2009
<http://www.dawn.com/wps/wcm/connect/Dawn%20Content%20Library/dawn/news/pakistan/pakistan-s-chaudhry-calls-for-end-to-corruption--il>
Date accessed 24 March 2009

- 23 March A suicide bomb attack killed one police officer and injured another when the device exploded outside a police station in the capital, Islamabad.
BBC News, Bomb attack on Islamabad police, 23 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7959850.stm
Date accessed 25 March 2009
- 23 March President Zardari stated that his position had not been weakened following the reinstatement of judges.
News International, Zardari says his position not weakened by restoration of judges, 23 March 2009
<http://www.thenews.com.pk/updates.asp?id=72371>
Date accessed 23 March 2009
- 23 March Prime Minister Yousuf Raza Gilani and opposition leader Nawaz Sharif called for reconciliation to end Pakistan's political crisis; however, no firm agreements were made.
Daily Times, Gilani, Nawaz agree on reconciliation, 23 March 2009
http://www.dailytimes.com.pk/default.asp?page=2009\03\23\story_23-3-2009_pg1_1
Date accessed 23 March 2009

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 23 MARCH AND 14 APRIL 2009

UK Foreign and Commonwealth Office (FCO) <http://www.fco.gov.uk>
Annual Report on Human Rights 2008, published 26 March 2009
<http://www.fco.gov.uk/resources/en/pdf/pdf15/human-rights-2008>
Date accessed 30 March 2009

Background Information

1. GEOGRAPHY

- 1.01 Europa World Online, accessed 12 February 2008, noted in their Pakistan Country Profile that “The Islamic Republic of Pakistan lies in southern Asia, bordered by India to the east and by Afghanistan and Iran to the west. It has a short frontier with the People’s Republic of China in the far north-east...The capital is Islamabad.” [1] (**Location, Climate, Language, Religion, Flag, Capital**) The same source noted that the area of Pakistan covered 796,095 sq km, excluding Azad (‘Free’) Kashmir, which covered 11,639 sq km, and the Northern Areas at 72,520 sq km. [1] (**Area and Population**)
- 1.02 Pakistan is divided into four provinces - Balochistan, North-West Frontier Province, Punjab and Sindh - (Europa World Online, accessed 12 February 2008) [1] (**Area and Population**) and two territories - the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA World Factbook, updated 5 March 2009) [34] (**Government: Administrative divisions**) The FATA are composed of 7 tribal agencies - Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan. (USSD Background Note, July 2008) [2g] Pakistani held Jammu and Kashmir is split into two administrative areas: ‘Azad’ Kashmir and the Northern Areas. (CIA World Factbook, updated 5 March 2009) [34] (**Government: Administrative divisions**)
- 1.03 Pakistan’s population is estimated, at July 2008, to be 172,800,048 (CIA World Factbook, updated 5 March 2009). [34] (**People: Population**) The 1998 census recorded that the populations in the provinces were: 6.56 million in Balochistan; 17.7 million in North-West Frontier Province; 73.6 million in Punjab; and 30.4 million in Sindh. (Europa World Online, accessed 12 February 2008) [1] (**Area and Population**) Pakistan’s principal cities - populations in brackets - are the capital, Islamabad (800,000), and the adjacent Rawalpindi (1,406, 214) which comprise the national capital area with a total population of 3.7 million. Other major cities include Karachi (11,624,219), Lahore (6,310,888), Faisalabad (1,977,246) and Hyderabad (1,151,274). (USSD Background Note, July 2008) [2g]
- 1.04 The CIA World Factbook, updated 5 March 2009, stated that the languages of Pakistan are “Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official and lingua franca of Pakistani elite and most government ministries), Burushaski, and others 8%.” [34] (**People: Languages**) As reported in the Ethnologue website, “The number of languages listed for Pakistan is 72. Of those, all are living languages.” [6]

For further details on ethnic and religious groups see Section 19: [Freedom of Religion](#); and Section 20: [Ethnic Groups](#)

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MAP

1.05



(United Nations Cartographic Section) [82a]

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2. ECONOMY

- 2.01 The CIA World Factbook, Pakistan profile, updated 5 March 2009, observed that Pakistan was:

“...an impoverished and underdeveloped country, [which] has suffered from decades of internal political disputes, low levels of foreign investment, and declining exports of manufactures. Faced with untenable budgetary deficits, high inflation, and hemorrhaging foreign exchange reserves, the government agreed to an International Monetary Fund Standby Arrangement in November 2008. Between 2004–07, GDP growth in the 6-8% range was spurred by gains in the industrial and service sectors, despite severe electricity shortfalls. Poverty levels decreased by 10% since 2001, and Islamabad steadily raised development spending in recent years. In 2008 the fiscal deficit - a result of chronically low tax collection and increased spending - exceeded Islamabad's target of 4% of GDP. Inflation remains the top concern among the public, jumping from 7.7% in 2007 to 24.4% in 2008, primarily because of rising world fuel and commodity prices. In addition, the Pakistani rupee has depreciated significantly as a result of political and economic instability.” [34] (**Economy: Overview**)

- 2.02 Pakistan's Gross Domestic Product (GDP) growth in 2007 was 6.4 per cent, while unemployment was 5 per cent and consumer inflation ran at 7.5 per cent. Income (at purchasing power parity) was estimated to be US\$2,755 per person. (The Economist Intelligence Unit (EIU) Country Report, January 2008) [75] In 2005, an estimated 43 per cent of the workforce laboured in agriculture, 23.3 per cent in industry and 36.6 per cent in the service sector. The main industries are textiles and apparel, food processing, pharmaceuticals, construction materials, paper products, fertilizer, shrimp. (CIA World Factbook, updated 5 March 2009) [34] (**Economy**)
- 2.03 The India Pakistan Trade Unit (IPTU), accessed 30 June 2008, noted with regards to employment law and wages in Pakistan “[that] in October 2001 the government approved PRs2,500 per month as the minimum wage for unskilled workers...” although due to inflation “...the average wage for unskilled workers in July 2004 was PRs3,000...” [65] (**Wages and Benefits**)
- 2.04 The FCO country profile of Pakistan, last reviewed on 2 April 2009, observed that as of 14 January 2009 the average exchange rate was £1 = 116.02 PKR (Pakistan Rupee). [11b] (**Economy**)

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3. HISTORY

- 3.01 The Freedom House Freedom in the World 2008 Country Report on Pakistan, released on 2 July 2008, noted that:

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

“After the PML decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan’s pressing economic and social problems while attempting to undermine every institution capable of challenging him, including the judiciary and the press. When he attempted to fire the army chief, General Pervez Musharraf, in 1999, he was deposed in a bloodless coup. Musharraf then appointed himself ‘chief executive,’ declared a state of emergency, and suspended Parliament, the provincial assemblies, and the constitution...” [19a]

- 3.02 The Foreign and Commonwealth Office (FCO) Pakistan Country Profile, last reviewed 2 April 2009, noted that:

“On 20 June 2001 General Musharraf declared himself President and Head of State, and dissolved the suspended assemblies. On 14 August 2001, Pakistan’s Independence Day, President Musharraf announced his plans for the transition to democracy in Pakistan, with provincial and national elections to take place by October 2002 in accordance with the Supreme Court’s deadline... On 10 October 2002 national and provincial elections were held. No single party won an overall majority. The PML (Q) won the most seats (121), followed by the [Muttahida Majlis-e Amal] MMA (60) and the [Pakistan People’s Party Parliamentarians] PPPP (59). The total number of seats in the National Assembly is 342 (including 60 reserved seats for women and 10 for minorities)... Shortly before the elections, on 21 August 2002, President Musharraf promulgated the Legal Framework Order (LFO), which introduced 35 amendments to the 1973 Constitution and gave him sweeping powers including the power to dissolve the National Assembly and to appoint Provincial Governors, Chairman of the Joint Chiefs of Staff and single service chiefs...” [11b] (Politics)

- 3.04 Europa World Online noted “[that] in December [2003] Musharraf announced seven further concessions to the LFO, including his commitment to resign as Chief of Army Staff by December 2004... In October 2004 the National Assembly approved legislation enabling Musharraf to retain his dual role as President and Chief of Army Staff, contrary to his December 2003 pledge that he would resign from his military position by the end of 2004... In December [2004] Musharraf formally confirmed that he intended to retain his military position until the end of his presidential term, in 2007.” [1] (Recent History)

- 3.05 The same source continued “[that] in late 2004 and early 2005 outbreaks of sectarian violence intensified in frequency.” [1] (Recent History) The Freedom House Freedom in the World 2008 Country Report noted:

“Pakistan suffers from clashes between government forces and tribal groups in Baluchistan, which have escalated since early 2005. A separatist group, the Baluchistan Liberation Army (BLA), regularly attacks infrastructure and development projects and staff, while local tribal leaders demand greater political autonomy and control over the province’s natural resources. The government has responded with counterinsurgency operations, leading to increased human rights violations and a looming humanitarian crisis. The government declared the BLA a terrorist group in April 2006...” [19a]

- 3.06 Europa World Online, accessed 12 February 2008, stated “In February 2006 widespread protests occurred in towns and cities across Pakistan, as demonstrators gathered to condemn the publication of cartoons of the Prophet Mohammed in a Danish newspaper in September 2005. Although the demonstrations began peacefully and on a relatively small scale, they became increasingly violent in some areas, resulting in several deaths.” [1] (Recent History)
- 3.07 The same source noted that “In November 2006 the federal legislature passed the Women’s Protection Bill, which amended the Hudood ordinance, giving civil courts jurisdiction in rape cases and revoking the death penalty for extra-marital sexual intercourse. Religious groups voiced their opposition to the bill, arguing that it was ‘un-Islamic’, while others called for the abolition of the Hudood ordinance in its entirety.” [1] (Recent History)

See also Section 23: [Women: Legal rights](#)

- 3.08 The Freedom House Freedom in the World 2008 Country Report on Pakistan noted in its overview for 2007 that:

“A political crisis brought on by President and Army Chief Pervez Musharraf’s suspension of the chief justice of the Supreme Court in March 2007 escalated throughout the year, culminating in his reelection as president in October and the imposition of martial law and a state of emergency in November. As part of the crackdown, political leaders and activists, lawyers, and the media were all targeted for arrest and detention, while the constitution was suspended and a majority of the higher judiciary was replaced... [Nawaz] Sharif successfully returned from exile in late November... The state of emergency was lifted in mid-December [2007], following sustained local pressure, but some rights of expression and assembly remained suspended... Following the December 27 assassination of former prime minister Benazir Bhutto, who had returned from exile in October, the country plunged deeper into crisis and uncertainty, with the elections postponed and the political landscape in disarray.” [19a]

- 3.09 In its country profile of Pakistan, last updated on 2 April 2009, the FCO observed that after the announcement of a state of emergency “The situation remained mostly calm, though there were some clashes between the police and protesters in the cities of Lahore, Karachi, Multan and Rawalpindi.” [11b] (Politics)

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PARLIAMENTARY ELECTIONS – FEBRUARY 2008

- 3.11 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008), published 25 February 2009, stated for Pakistan that "...International observers noted that parliamentary elections on February 18, while flawed, were competitive and reflected the will of the people. The election brought to power former opposition parties, led by the PPP, in a coalition government; the national parliament elected Yousuf Gilani as prime minister and head of government on March 24..." [2k] (Introduction)
- 3.10 Following the parliamentary elections, the Pakistan People's Party (PPP) won 87 seats in the National Assembly. The Pakistan Muslim League – Nawaz (PML-N) secured 67 National Assembly seats, whilst the former ruling party, the Pakistan Muslim League – Quaid-e-Azam (PML-Q), won only 41 seats. The Mutahidda Qaumi Movement (MQM) gained 19 seats. (FCO Country Profile, 2 April 2009) [11b]
- 3.11 On 9 March 2008, the PPP and PML-N signed a power-sharing agreement to form a coalition government. The parties also agreed to reinstate the judges who were sacked when President Musharraf declared a state of emergency in November 2007. (*Daily Times*, 10 March 2008) [55i] The Awami National Party (ANP) also formed part of the coalition in the National Assembly (*Dawn*, 13 March 2008) [84a] and joined the PPP in the NWFP Assembly. (Geo TV, 5 March 2008) [45a] The Jamiat Ulema-e-Islam, also decided to join the PPP to form part of coalition governments both in the National Assembly and the provincial Balochistan Assembly. (Geo TV, 9 March 2008) [45b]

See also Section 11: Judiciary: [Independence and Fair trial](#)

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4. RECENT DEVELOPMENTS

Political events from April 2008 to present

- 4.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008), published 25 February 2009, stated in its introduction for Pakistan that:
- “During the year [2008], civilian democratic rule was restored in the country. President Asif Ali Zardari, widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became head of state on September 6, replacing former President Pervez Musharraf, who resigned on August 18... The PPP and its coalition partners at year's end controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Of the 13 Supreme Court justices whom then President and Chief of Army Staff Musharraf dismissed in November 2007, by year's end the new government had reinstated five under a fresh oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Iftikhar Chaudhry.” [2k]
- 4.02 Human Rights Watch stated in its World Report 2009 that all judges were restored to work by the new government, most of whom returned after taking a fresh oath of office under the constitution. However, President Zardari backed down on his agreement to restore deposed Supreme Court Justice Iftikhar Muhammad Chaudhry. [13a] (Judicial Independence)
- 4.03 On 25 August 2008, the Pakistan Muslim League – Nawaz (PML-N) pulled out of the five-month old coalition government. PML-N leader, Nawaz Sharif, cited the dispute over the reinstatement of the sacked judges as one of the reasons for his decision and blamed PPP co-chairman, Asif Zardari, for breaching some of the agreements he had made in recent months. (*Daily Times*, 26 August 2008) [55c]
- 4.04 On 9 September 2008 Asif Ali Zardari was sworn in as Pakistan's new President. (BBC News, 9 September 2008) [35d] Mr Zardari won 481 out of the 702 votes received from the National Assembly, the Senate and the four provincial assemblies at the presidential elections held on 6 September. Saeeduz Zaman Siddiqui, backed by the PML-N, received 153 votes, whilst PML-Q-backed candidate, Mushahid Hussain, received 44 votes. (*Daily Times*, 7 September 2008) [55d]
- 4.05 BBC News reported on 25 February 2009 that “Pakistan's Supreme Court has upheld bans on former prime minister and opposition leader Nawaz Sharif and his brother, Shahbaz, from elected office. Nawaz Sharif's PML-N party holds power in Punjab province. His brother is chief minister but must now step down.” [35i] Following the ban, thousands of supporters of the PML-N protested across the country. Lawyers joined the protests by boycotting court proceedings. Nawaz Sharif accused President Zardari of influencing the Supreme Court's decision and Prime Minister Gilani held a cabinet meeting to discuss the deteriorating political situation. (BBC News, 27 February 2009) [35n]
- 4.06 On 13 March 2009, BBC News reported that, following ongoing protests, political gatherings had been banned in Pakistan's Punjab and Sindh

provinces. Protesters, demanding the reinstatement of sacked judges, planned a four-day “long march” to Islamabad. However, a clampdown effectively halted this, as the government claimed that the march was designed to destabilise the country. The article noted “Protest organisers say that more than 1,000 opposition leaders and activists have already been jailed or put under house arrest.” [35o] Information minister, Sherry Rehman resigned following the crackdown on protests by lawyers and opposition groups, and the suspension of television stations Geo News and Aaj TV. (BBC News, 14 March 2009) [35i] Nawaz Sharif was also placed under house arrest ahead of a planned rally in Islamabad. (BBC News, 15 March 2009) [35j]

- 4.07 However, Reuters news reported on 16 March 2009 that the Pakistan government had agreed to “... reinstate Iftikhar Chaudhry as chief justice... to defuse a crisis and end agitation by lawyers and activists that had threatened to turn into violent confrontation... Prime Minister Yousaf Raza Gilani made the announcement in a televised address to the nation. Afterwards, [Nawaz] Sharif called off a ‘long march’ protest making its way to the capital, Islamabad... Chaudhry will be reinstated on March 21 when the incumbent retires.” The same source further added that the government would seek a review of the recent court ruling that banned the Sharif brothers from elected office. [17b]
- 4.08 On 18 March 2009, BBC News reported that Iftikhar Chaudhry would not have to swear a new oath when he returns to office. The article noted that ten other sacked judges were also reinstated, without having to take new oaths. [35f] Iftikhar Chaudhry was formally reinstated to the post of Supreme Court Chief Justice at midnight on Saturday, 21 March 2009. (BBC News, 22 March 2009) [35u]

See also Section 16: [Freedom of Speech and media](#)

(For details of the security situation and militant activities see [Section 8: Security Situation](#))

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5. CONSTITUTION

5.01 Europa World Online, accessed 12 February 2008, noted:

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

5.02 Full text of the constitution, plus recent amendments, can be viewed at: <http://www.pakistani.org/pakistan/constitution/>

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6. POLITICAL SYSTEM

Federal Legislature

- 6.01 Europa World Online, accessed 12 February 2008, stated that “The Federal Legislative consists of a President, a lower house and an upper house. The lower house, called the National Assembly, has 272 members elected directly for a term of five years... plus 60 female members and 10 members representing minorities. The upper house, called the Senate, has 87 members who serve for six years, with one-half retiring every three years.” [1] (**Federal Legislature**) Europa added “The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years. He must be a Muslim. The President may be impeached for violating the Constitution or gross misconduct.” [1] (**President**)
- 6.02 The CIA World Factbook profile of Pakistan, updated on 5 March 2009, reported that Pakistan’s:
- “... bicameral Parliament or Majlis-e-Shoora consists of the Senate (100 seats; members indirectly elected by provincial assemblies and the territories' representatives in the National Assembly to serve six-year terms; one half are elected every three years) and the National Assembly (342 seats; 272 members elected by popular vote; 60 seats reserved for women; 10 seats reserved for non-Muslims; to serve five-year terms).” [34] (**Government: Legislative Branch**)

Provincial Governments

- 6.03 Each of the four provinces has a Governor appointed by the President; each province also has a provincial legislature consisting of the Governor and the Provincial Assembly. The Chief Minister of each provincial government is appointed by the Governor. (Europa World Online, accessed 12 February 2008) [1] (**Provincial Government**)
- 6.04 The USSD Background Note on Pakistan, July 2008, noted that “Each of the four provinces – Punjab, Sindh, Northwest Frontier, and Balochistan – has a Chief Minister and provincial assembly. The Northern Areas, Azad Kashmir and the Federally Administered Tribal Areas (FATA) are administered by the federal government but enjoy considerable autonomy. The cabinet, National Security Council and governors serve at the president's discretion.” [2g]

(See Pakistan-Administered [Kashmir and Northern Areas](#) below)

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PAKISTAN-ADMINISTERED KASHMIR (AZAD KASHMIR)

- 6.05 The Freedom House, Freedom in the World 2008 Country Report on Kashmir [Pakistan], published 2 July 2008, stated that:
- “... When British India was partitioned into India and Pakistan in 1947, Maharajah Hari Singh tried to maintain Jammu and Kashmir’s independence,

but eventually ceded it to India in return for autonomy and future self-determination. Within months, India and Pakistan went to war over Kashmir. As part of a UN-brokered ceasefire in January 1949 that established the present-day boundaries, Pakistan gained control of roughly one-third of Jammu and Kashmir. India retained most of the Kashmir Valley along with Jammu and Ladakh. Unlike India, Pakistan never formally annexed the portion of Kashmir under its control. The Karachi Agreement of April 1949 divided Pakistani-administered Kashmir into two distinct entities—Azad (Free) Kashmir and the Northern Areas. Pakistan retained direct administrative control over the Northern Areas, while Azad Kashmir was given a larger degree of nominal self-government.” [19b]

- 6.06 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) also noted:

“Azad Kashmir is subject to its own constitution, which allows for a legislative assembly and a prime minister but prohibits parties and candidates from contesting elections if they do not support Kashmir's accession to the country, according to a 2006 HRW report. Despite nominal representation for Azad Kashmir, the federal government in fact controls significant decision-making in the area, according to HRW's report. Under the Kashmiri constitution, authority over 52 critical policy areas is ceded to the Azad Kashmir Council in Islamabad, whose composition favors the federal government numerically. The federal government also can dismiss arbitrarily the elected Kashmiri legislative assembly.” [2] (Section 3)

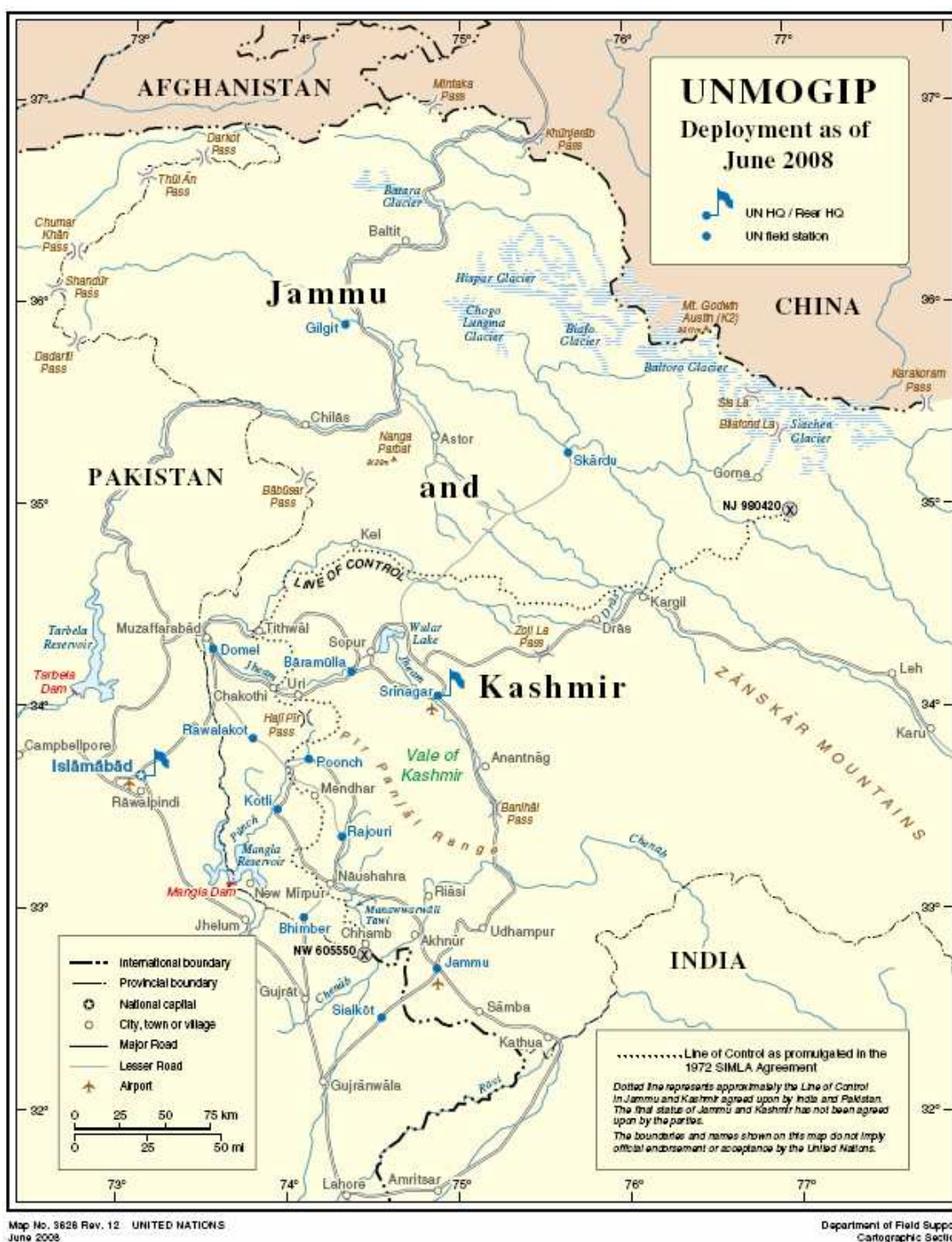
Line of Control

- 6.06 Europa World online, accessed 4 February 2009, recorded:

“[that] since 1949, a cease-fire line, known as the Line of Control (LoC), has separated Indian-controlled Kashmir (the state of Jammu and Kashmir) and Pakistani Kashmir, which comprises Azad (Free) Kashmir and the Northern Areas. While Pakistan demanded that the sovereignty of the region be decided in accordance with earlier UN resolutions (which advocated a plebiscite in both parts of the region), India argued that a solution should be reached through bilateral negotiations.” [1] (Recent History)

- 6.07 BBC News reported on 6 November 2008 that “The LoC divides Kashmir on an almost two-to-one basis: Indian-administered Kashmir to the east and south (population about nine million), which falls into the Indian-controlled state of Jammu and Kashmir; and Pakistani-administered Kashmir to the north and west (population about three million), which is labelled by Pakistan as ‘Azad’ (Free) Kashmir. China also controls a small portion of Kashmir.” [35c]

6.08 Map of June 2006 showing Line of Control



(United Nations Cartographic Section) [82b]

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Recent events

- 6.09 The Freedom House Freedom in the World 2008 Country Report on Kashmir [Pakistan] stated:

“Although Pakistan and India maintained cordial relations in 2007, they made little substantive progress on resolving the status of Kashmir. Meanwhile, the Pakistani government continued to face demands for increased political rights from nationalist and proindependence [sic] Kashmiri groups in Pakistani-controlled Kashmir, which consisted of two administrative units—Azad Kashmir and the Northern Areas. Pakistani president Pervez Musharraf proposed changes to the Northern Areas Legislative Council in October that would moderately increase the council’s power while maintaining significant federal control.” [19b]

- 6.10 The same source noted:

“The political rights of the residents of Pakistani-administered Kashmir remain severely limited. Neither the Northern Areas nor Azad Kashmir has representation in Pakistan’s national Parliament. The Northern Areas are directly administered by the Pakistani government under the Legal Framework Order of 1994; the region is not included in the Pakistani constitution and has no constitution of its own, meaning there is no fundamental guarantee of civil rights, democratic representation, or the separation of powers.” [19b]

- 6.11 BBC News recorded in its ‘Q & A: Kashmir dispute’ dated 6 November 2008, that “In October 2008 an old trade road was reopened after 60 years across the Line of Control (LoC) that divides Indian and Pakistani-administered Kashmir. Earlier in the same month a rail service was introduced. The two governments have huge international backing to continue the peace process and make their ongoing negotiations succeed.” [35c]

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NORTHERN AREAS

- 6.12 The USSD Report 2008 reported that:

“The residents of the Federally Administered Northern Areas, which include Gilgit and Baltistan, did not have representation in the national parliament. An appointed civil servant administered these areas, and an elected Northern Areas Legislative Council served in an advisory capacity without legislative power. The government administers the Northern Areas under the Legal Framework Order of 1994. According to the ICG [International Crisis Group], this administrative instrument is used to strengthen federal control over the region while denying its residents basic political and civil rights.” [2k] (Section 3)

- 6.13 Freedom House Freedom in the World 2008 Country Report on Kashmir [Pakistan] stated:

“The lack of political representation in the Northern Areas has fueled demands for both formal inclusion within Pakistan and self-determination. In 1999, the Pakistani Supreme Court directed the government to act within six months to give the Northern Areas an elected government with an independent judiciary

and to extend fundamental rights to the area's residents. The Pakistani government then announced a package that provided for an appellate court and an expanded and renamed Northern Areas Legislative Council (NALC). Elections to the NALC were held in October 2004, but the body continues to have few real fiscal and legislative powers despite ongoing calls for reform. The Musharraf-backed Pakistan Muslim League (Quaid-i-Azam) party dominated the NALC as of 2007, while the Pakistan People's Party (PPP) served as the main 'opposition'." [19b]

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Human Rights

7. INTRODUCTION

- 7.01 Reporting on events during 2008, the Human Rights Watch World Report 2009 (HRW Report 2009) noted for Pakistan that:

“Since the civilian government came to power [in February 2008], civil and political rights protections have improved. Media restrictions have been revoked, opposition rallies and demonstrations have been allowed to proceed without government hindrance or violence, and military personnel have been withdrawn from civilian administrative and political positions. The government has emphasized dialogue to resolve the political dispute between the federal government and Balochistan province and to extend meaningful political rights to the troubled tribal areas bordering Afghanistan.

“While the new government has been keen to promote civil liberties and human rights, its rhetoric has not always been matched by action. Ongoing structural concerns include lack of an independent judiciary and fair trials; mistreatment, torture, and unresolved enforced disappearance of terrorism suspects and opponents of the previous military government; military abuses in operations in the tribal areas; the failure to commute death sentences; and legal discrimination against and mistreatment of religious minorities and women.” [13a]

- 7.02 In its introduction on human rights in Pakistan the US State Department Country Report on Human Rights Practices 2008 for Pakistan (USSD Report 2008), released 25 February 2009, observed that:

“Despite some improvements after the state of emergency at the end of the previous year, the human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. There were also instances in which local police acted independently of government authority. Collective punishment was a problem particularly in the Federally Administered Tribal Areas (FATA), which falls under the legal framework of the Frontier Crimes Regulation (FCR). Lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem. Although implementation of the 2006 Women’s Protection Act somewhat improved women’s rights, rape, domestic violence, and abuse against women remained serious problems. Honor crimes and discriminatory legislation affected women and religious minorities respectively. Religious freedom violations and inter-sectarian religious conflict continued. Widespread trafficking in persons, child labor, and exploitation of indentured and bonded children were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.” [2k] (Introduction)

- 7.03 The Freedom House Freedom in the World 2008 Country Report on Pakistan, released 2 July 2008, noted that:

“A political crisis brought on by President and Army Chief Pervez Musharraf’s suspension of the chief justice of the Supreme Court in March 2007 escalated throughout the year, culminating in his reelection as president in October [2007] and the imposition of martial law and a state of emergency in November. As part of the crackdown, political leaders and activists, lawyers, and the media were all targeted for arrest and detention, while the constitution was suspended and a majority of the higher judiciary was replaced. The state of emergency was lifted in mid-December [2007], following sustained local pressure, but some rights of expression and assembly remained suspended. Following the assassination of opposition leader Benazir Bhutto in late December, parliamentary elections planned for early January 2008 were postponed. Also during the year, the media expanded its watchdog capacity in the absence of an independent legislature and judiciary, resulting in a range of official reprisals, including the shutdown of many outlets in November. Other human rights violations, including arbitrary arrest and ‘enforced disappearances,’ continued to be reported in 2007. Sectarian, separatist, and terrorist violence escalated dramatically as militants extended their influence throughout the country.” [19a] (Overview)

- 7.04 In their South Asia Human Rights Violators Index 2008, published 1 August 2008, the Asian Centre for Human Rights (ACHR) ranked Pakistan the fourth worst human rights violator in South Asia, out of a total of seven countries [67b] (p13) The ACHR noted that “Pakistan has been ranked No.4 human rights violator in South Asia because of the suppression of political freedom and attacks on political opponents, violations of the right to life and large scale enforced disappearances, failure to establish a National Human Rights Institution, attacks on the press through the Pakistan Electronic Media Regulatory Authority, appalling conditions of women and children, and Pakistan simply being a dangerous place for the religious minorities.” [67b] (p 65)
- 7.05 Pakistan has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. Pakistan is an accession state to the Convention on the Elimination of All Forms of Discrimination Against Women, has signed the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights in April 2008. (UNHCR, Treaty Body Database, accessed 1 June 2008) [20e] Pakistan signed the International Covenant on Civil and Political Rights in April 2008 “...reflecting the renewed commitment of the democratic government to promote human rights...” (USSD International Religious Freedom Report 2008) [2i] (Section II)

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8. SECURITY SITUATION

8.01 The Human Rights Watch World Report 2009 (HRW Report 2009), covering 2008 events, noted that “Pakistan was rocked by a spate of suicide bombings in 2008 that targeted the political and military elite of the country and the symbols of its power. The most high-profile attack took place on September 20 in Islamabad, destroying the Marriot Hotel, killing 54, and injuring hundreds. The attack came just hours after President Zardari had delivered his first address to a joint session of parliament.” [13a] (Terrorism, Counterterrorism and “Disappearances”)

8.02 The US State Department Country Report on Human Rights Practices 2008 for Pakistan (USSD Report 2008), noted that:

“Military operations in the FATA and the Northwest Frontier Province (NWFP) killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country, most notably in Kurram Agency, killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs), but at year's end there were an estimated 200,000 IDPs in the NWFP and FATA. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.” [2k] (Introduction)

8.03 On 12 March 2009, with regards to domestic terrorism in Pakistan, Britain's Foreign Secretary, David Milliband, was reported as saying that “The situation in Pakistan is extremely dangerous. I would say it's very grave. I think Pakistan faces a mortal threat... from domestic terrorism.” (Foreign and Commonwealth Office News, 13 March 2009) [11k]

8.04 Jane's Sentinel Country Risk Assessment of Pakistan, updated 10 March 2009, observed that:

“The most pressing threat to stability is the continuation of extremist, sectarian and criminal violence in spite of many successful operations against various dissident groups. The 20 September 2008 attack on the Marriott Hotel in Islamabad, the deadliest in the country's history, underscored the extent of the deterioration in the security environment. Tension along the Afghan border, primarily in the tribal areas, has greatly increased following the army's extensive and heavy-handed operations to capture or kill foreign militants, and militant groups have displayed an increasing propensity to implement suicide attacks. A continuing low-level insurgency in Balochistan has added to internal security problems, although the government may have made gains there, having reached a ceasefire agreement with nationalist groups since early September 2008. Police and security forces remain hard-pressed to control religio-political extremists, tribal unruliness and militant groups. This was brought into sharp focus in July 2007 by the storming of the Lal Masjid mosque in Islamabad by security forces, who had been engaged in a lengthy stand-off with militant extremists barricaded in the complex. In particular, since the storming of the Lal Masjid, the number of suicide attacks targeting Pakistan's security services has increased in frequency, particularly in Punjab province. Externally, India is considered the main threat, and this is likely to

increase as evidence continues to emerge that points to Pakistani involvement in the 26 November 2008 attacks on Mumbai. Nevertheless, a five-year process of gradual rapprochement and economic dialogue gives reason for some optimism. Placating the US is the country's most immediate external problem and the relationship has been complicated by an escalation of fighting between the Pakistan Army and Pakistani Taliban militants in the tribal areas, increased frequency of US unmanned aerial vehicle attacks and ground incursions by US special forces." [36a] (Executive Summary; Security threats)

- 8.05 The South Asian Terrorism Portal's (SATP) Pakistan Assessment 2009, covering conditions in Pakistan for 2008, noted that:

"A wide array of militant groups is currently engaged in varying degrees of violence and subversion across the country. A cursory look at the map indicates that the North West Frontier Province (NWFP), the Federally Administered Tribal Areas (FATA), and Balochistan are witnessing large-scale violence and insurrections. Violence also increasingly afflicts parts of Punjab, Sindh, and the Gilgit-Baltistan region. Islamabad's writ is thus being challenged vigorously - violently or otherwise - in wide geographical areas, and on a multiplicity of issues. More than half of the territory presently under Pakistan's control, including Gilgit-Baltistan and 'Azad Jammu and Kashmir', has passed outside the realm of civil governance and is currently dominated essentially through military force." [61b]

- 8.06 The SATP report recorded that 2,155 civilians, 654 security force personnel and 3,906 terrorists were killed in terrorist violence across Pakistan in 2008. SATP commented on the increase of suicide attacks throughout the country, accounting for 11 per cent of total fatalities. The source stated that there were 59 suicide attacks in 2008 compared with 56 in 2007. SATP added that the actual number of deaths may have been under-reported. [61b]

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MILITANT ACTIVITY

- 8.07 The Human Rights Watch World Report 2009 noted:

"[That] the Pakistani armed forces have engaged in increasingly aggressive counterterrorism operations in Pakistan's Federally Administered Tribal Areas along the Afghan border. The operations at times have been accompanied by massive civilian displacement, extrajudicial executions, house demolitions, and arbitrary detentions. Since September 2008, US drones are believed to have carried out more than a dozen missile attacks on alleged militant targets in the tribal areas, killing dozens of people amid persistent claims of civilian casualties." [13a] (Security Operations and Displaced Persons)

- 8.08 The International Crisis Group (ICG) recorded in its report 'Pakistan: The Militant Jihadi Challenge', dated 13 March 2009:

"[that] on 16 February 2009, NWFP's Awami National Party (ANP)-led government made a peace deal, devised by the military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant group allied to the Taliban. The government agreed to impose Sharia (Islamic

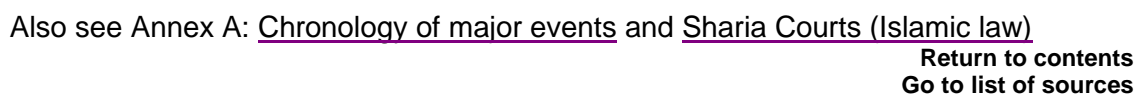
law) in NWFP's Malakand region, with religious courts deciding all cases after 16 February 2009; dismantle all security checkpoints and require any military movements to be pre-approved by the TNSM; and release captured militants, including those responsible for such acts of violence as public executions and rape. In return, the militants pledged to end their armed campaign." [3a] (pii)

- 8.09 The same source added that "Less than two weeks after declaring a 'permanent ceasefire', however, the Pakistani Taliban in Swat abducted a Frontier Corps district commander and four other troops, attacked a military vehicle, killed two security personnel and kidnapped three government officials..." [3a] (p2)
- 8.10 Sri Lanka's cricket team were attacked by gunfire as they travelled to a test match in Lahore. Gunmen opened fire on the team's bus killing six policemen and a bus driver. Seven cricketers and a coach were injured. (BBC News, 3 March 2009) [35k]
- 8.11 During the course of 2007, 2008 and into 2009, there have been numerous clashes between the authorities and militants, primarily in the FATA and NWFP. There were also a number of attacks and suicide bombs against targets in Pakistan's principal cities. The South Asian Terrorism Portal (SATP) website, satp.org, provides a comprehensive timeline of events in 2007, 2008 and 2009 for the country generally and for individual provinces/territories. [61c] Reuters Alertnet, Pakistan violence timeline, updated 23 October 2008, also provides a useful summary of significant events during 2007/08 http://www.alertnet.org/db/crisisprofiles/PK_VIO.htm?v=timeline. [17a]

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Map

- 8.12 Below is a map of the North West Frontier Province (NWFP) and Federally Administered Tribal Areas (FATA) showing the area of conflict and displacement as of 28 January 2009. (Relief Web, 28 January 2009 <http://www.reliefweb.int/rw/rwb.nsf/db900sid/LPAA-7NRE3R?OpenDocument>) [83a]



Taliban

- 8.13 Jane's recorded in their Sentinel Country Risk Assessment for Pakistan, Security, dated 23 September 2008, that:
- "The ongoing insurgencies in Pakistan's North and South Waziristan [Federal Administered Tribal Areas (FATA)] and rising levels of tribal militancy have led to the emergence of a local Pakistani Taliban... (which can more accurately be described as a collection of disparate tribal groups). For example, the Pakistani Taliban in South Waziristan is divided among the Mahsud and Wazir tribes which have different and often rival chains of command. This is true for the Wazir and Daur tribes in North Waziristan with both groups sometimes differing on issues such as leadership and tactics." [36d] (**Security: Militant Islamist**)
- 8.14 The same source noted that the most serious problem of terrorism and insurgency was seen in Pakistan's tribal areas along the western border with Afghanistan "... where the Taliban and their supporters, indigenous tribes and militias, including criminal elements, confront security forces and on occasions each other." [36d] (**Security: Terrorism and Insurgency**)
- 8.15 On 25 August 2008, the Pakistan government announced an imposition of a ban on the Tehrik-e-Taliban (TTP). *The News International* reported on 26 August 2008 that "A statement issued by the Interior Ministry said: 'The governmen[t] has reasons to believe that the Tehrik-e-Taliban Pakistan (TTP) is a militant organisation and is involved in acts of terrorism, including suicide bombings, throughout the length and breadth of the country. The federal government, therefore, has proscribed the Tehrik-e-Taliban Pakistan (TTP) under the Anti-Terrorism Act...'" [44c]
- 8.16 The HRW Report 2009 added:
- "Armed groups in Pakistan's tribal areas continue to engage in vigilantism and violent attacks on civilians, including suicide bombings, murder, and public beheadings. Despite selective military operations and periodic peace deals, the government has not succeeded in preventing the Taliban and members of other militant groups from committing serious human rights abuses. Throughout 2008 Taliban suicide bomb attacks and operations continued in the settled areas of the North West Frontier Province. Battles between pro-Taliban militants and government security forces in the NWFP's Swat valley displaced civilians and led to severe insecurity." [13a] (**Security Operations and Displaced Persons**)
- 8.17 Jane's stated that "Over 100,000 troops of the Pakistan army and Frontier Corps are deployed to counter militants' operations. Despite claims of success these forces have suffered some 700 killed in action in North West Frontier Province and Balochistan, prompting Islamabad to agree a settlement with tribal leaders to pull back elements of these forces." [36d] (**Security: Terrorism and Insurgency**) However, official estimates stated that over 1,000 militants had been killed by security forces in Bajaur since fighting began there in August 2008. (Reuters Alertnet, 13 October 2008) [17c]
- 8.18 The US State Department's International Religious Freedom Report 2008 (USSD IRF 2008) stated "Throughout the reporting period [1 July 2007 – 30

June 2008], attacks, threats, and violence by Islamic extremists increased across the country, but especially in the NWFP. The origin was perceived to be from the influence of the Taliban coming across the border from neighboring Afghanistan.” [2i] (Section III)

For further information about various armed groups in Pakistan see [Annex C: Terrorist Organisations](#)

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9. SECURITY FORCES

POLICE

- 9.01 The US Department of State Country Report on Human Rights Practices 2008, Pakistan, (USSD Report 2008) released on 25 February 2009, stated that "Police have primary internal security responsibilities for most areas of the country. Under the Police Order (Second Amendment) Ordinance of 2006, control of local police falls under the Ministry of Interior. The provincial government has the power to transfer officers from their posts, however, and district nazims write the district police officer annual performance evaluation reports, which guides promotions." [2k] (Section 1d) The Jane's Sentinel Country Risk Assessment for Pakistan, Security and Foreign Forces, updated 3 October 2008, stated that there were 200,000 police officers (a 2005 estimate) in the country. [36b] (Security and Foreign Forces)
- 9.02 Jane's reported in their Sentinel Country Risk Assessment for Pakistan that:
- "Pakistan's four provincial police forces are independent entities that take orders from federal government on issues of national security only. Large conurbations maintain separate forces that fall within the provincial chain of command. (There are no police in the Federally Administered Tribal Areas of North West Frontier Province [NWFP].) Each force is headed by an inspector general whose deputies oversee police operations within specific provincial sectors. Inspector generals are directly accountable to the central Ministry of the Interior whereas all levels junior to that report to the provincial civil service. District superintendents are key figures in implementing the edicts of their superiors on a day-to-day basis." [36b] (Security and Foreign Forces)
- 9.03 The USSD Report 2007 added with regard to the organisation and oversight of the police:
- "...In July 2005 President Musharraf reissued and amended the 2002 Police Order, which transfers oversight responsibility of police from provinces to districts and calls for the establishment of local oversight bodies. In the Punjab and NWFP, public safety commissions were established and functioned; however, according to SHARP [Society for Human Rights and Prisoners' Aid] and the Global Foundation, the commissions existed but operated under a vague mandate. During the year district public safety commissions in Punjab, Sindh, and a majority of districts in NWFP and Balochistan were established but their effectiveness was undermined because of inadequate staffing." [2h] (Section 1d)
- 9.04 Jane's further noted:
- "Police in Pakistan are not regarded by the population as either friends or protectors. They are in general mistrusted and feared because their culture is one of intimidation rather than service...The police are politicised, in addition to being subject to manipulation by powerful landlords in the rural areas and 'influentials' in the cities. Corruption is rife. Investigative procedures are generally brutal and frequently consist of torturing a suspect until a confession is obtained. Crowd-control and anti-riot skills are rudimentary, and in such encounters, police use lathis - five foot, steel-tipped bamboo canes - without

mercy. They are armed with rifles but undisciplined in weapon handling as in almost every other aspect of police work.” [36b] (Security and Foreign Forces)

- 9.05 The USSD Report 2008 observed that “Corruption within the police was rampant... Police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and avenge personal grievances. Critics charge that the appointment of the SHO [Station House Officer] has become politicized.” [2k] (Section 1d)

See also Section 18: [Corruption](#)

- 9.06 On the efficacy of the police, the USSD Report 2008 stated that:

“Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests. Frequent failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims, provincial interior or chief ministers, federal interior minister, prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution, and these mechanisms were sometimes used.” [2k] (Section 1d)

- 9.07 The same source added:

“The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. The Karachi city government reportedly gave facilities to the city's human rights officers for training. During the year, at least three NGOs (Society for the Protection of the Rights of the Child [SPARC], Sahil, and SHARP [Society for Human Rights and Prisoners' Aid]) trained police. In the Punjab and NWFP, public safety commissions were established but functioned poorly due to their vague mandate, according to SHARP and the GF [Global Foundation], and due to their susceptibility to interference by the provincial executive, according to the International Crisis Group (ICG). Although district public safety committees existed in Punjab, Sindh, and a majority of districts in NWFP and Balochistan, inadequate staffing undermined their effectiveness. ICG also reported these committees were subject to political influence.”

See also Section 12: [Arrest and Detention - Legal Rights](#)

- 9.08 The Freedom House Freedom in the World 2008 Country Report on Pakistan noted that:

“Police routinely engage in crime, excessive force, torture, and arbitrary detention; extort money from prisoners and their families; accept bribes to file or withdraw charges; rape female detainees; and commit extrajudicial killings. Critics of the regime are particularly at risk of arbitrary arrest, torture, ‘disappearance,’ or denial of basic due process rights at the hands of military authorities. Progress on creating an official human rights commission

empowered to investigate cases of abuse and redress grievances has been slow, and a general atmosphere of impunity remains the norm.” [19a]

9.09 The USSD Report 2008 added that

“In 2005 authorities expanded the number of special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations.” [2k] (Section 1c)

See also Section 23: [Violence against Women](#)

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Arbitrary Arrest and Detention

The section below contains information on arbitrary arrest and detention committed by all security forces, not the just the police.

9.10 The Human Rights Watch World Report 2009 (HRW Report 2009), covering events of 2008, recorded:

“Terrorism suspects are frequently detained without charge or, if charged, are often convicted without proper judicial process. Human Rights Watch has documented scores of illegal detentions, instances of torture, and ‘disappearances’ in Pakistan’s major cities. Counterterrorism laws also continue to be misused. It is impossible to ascertain the number of people ‘disappeared’ in counterterrorism operations because of the secrecy surrounding such operations. Pakistan’s Interior Ministry, now controlled by the elected government, has estimated the total at 1,100. However, the government has not provided details of how many were suspected of links to al Qaeda and the Taliban and has made negligible progress in resolving cases and recovering victims.” [13a] (Terrorism, Counterterrorism and “Disappearances”)

9.11 The Asian Centre for Human Rights (ACHR) South Asia Human Rights Index 2008, published 1 August 2008, recorded that “Arbitrary arrest and unlawful detention were common in Pakistan. Scores of innocent persons were illegally arrested and detained during 2007. The Courts, especially the lower courts and the magistrates intervened into numerous cases of arbitrary detentions and secured the releases of many detainees from illegal detentions throughout the year.” [67b] (p68)

9.12 The USSD Report 2008 observed that the police frequently issued First Information Requests (FIR):

“...without supporting evidence to harass or intimidate, or they did not issue them when adequate evidence was provided unless the complainant paid a bribe. Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Police also detained relatives of wanted criminals to compel suspects to surrender. Police routinely did not

seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Some women in detention were sexually abused. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates sometimes colluded through issuing new FIRs to continue detention beyond the 14-day period provided in the law.” [2k] (Section 1d)

- 9.13 In a statement issued on 3 April 2008, the Asian Human Rights Commission (AHRC) reported that 39 persons remained missing after arrest during the first quarter of 2008. AHRC noted that:

“The state intelligence agencies are still operative in arbitrarily arresting people, keeping them in custody for several months and torturing them to confess their involvement in crimes against the state. After the general elections of February 2008, about 27 persons disappeared after arrests by the Elite Force, a state intelligence agency working under the Pakistan Army. According to the reports collected by the Defence of Human Rights, an organization working on the recovery of disappeared persons, and Baloch Rights Council, an umbrella organization of several Baloch nationalist organizations, more than 65 persons have been disappeared after the imposition of the state of emergency by President Musharraf, (who was then General Musharraf) on November 3, 2007.” [52a]

See section 12: [Arbitrary Arrest and Detention – Legal Rights](#) and 9.18: [Armed Forces](#)

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Torture

The section below contains information on ill-treatment and torture committed by all security forces, not just the police.

- 9.14 The USSD Report 2008 recorded that:

“The law prohibits torture and other cruel, inhuman, or degrading treatment; there were reports, however, that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in antiterrorism courts. The NGO SHARP reported 1,013 cases of torture by police between January and June [2008], including approximately 500 cases by the Punjab police and nearly 350 cases by the Sindh police. Observers noted that underreporting of torture is prevalent in the NWFP and Balochistan due to local customs. Alleged torture occasionally resulted in death or serious injury. Human rights organizations reported methods including beating with batons and whips, burning with cigarettes, whipping soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women during interrogations. The government rarely took action against those responsible.” [2k] (Section 1c)

- 9.15 On incidents of torture in the past six months (February to August 2008), the *Daily Times* reported, on 8 August 2008, that according to the NGO

Madadgaar "...the Punjab Police led the list with 406 cases of torture, followed by Sindh with 304 cases, the NWFP with 29 and Balochistan with four cases. It showed that out of a total of 743 cases, 416 incidents took place at police stations, 252 at victims' workplaces, 66 at victims' residences and nine in public places." The article noted that Lahore was the worst city for police torture during this period, with 177 incidents recorded. [55g] The Aurat Foundation recorded 117 cases of custodial violence against women in its 2008 annual report, dated 17 February 2009, which covered events between January and December 2008. [57b]

9.16 The USSD IRF Report 2008 observed that:

"Police reportedly tortured and mistreated those in custody, and at times, engaged in extrajudicial killings. It was usually impossible to ascertain whether adherence to particular religious beliefs was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates, including a lack of access to spiritual resources." [2i] (Section II)

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Extra-Judicial Killings

The section below contains information on reports of extra-judicial killings committed by all security forces, not just the police.

9.17 The USSD Report 2008 noted that:

"Reports of arbitrary or unlawful killings by government agents and politically motivated killings continued during the year, as did arbitrary or unlawful killings of civilians in conflict. Some targeted killings of political dissidents and individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. Through November the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 64 civilian deaths after encounters with police and 101 deaths in jails. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media, however, reported security forces staged many of the deaths.

"The government frequently investigated, and sometimes convicted, police officials for extrajudicial killings. Through August 2008 the inspector general of the Punjab Police reported its provincial police force disciplined 973 officials for a variety of crimes. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses, however, consistently contributed to a culture of impunity." [2k] (Section 1a)

9.18 The ACHR South Asia Human Rights Index 2008 stated for Pakistan that "Security forces regularly resorted to indiscriminate use of force including the use of live ammunition resulting in significant numbers of casualties. This involved children... many [victims] have been killed by the security forces on

mere suspicion... Numerous cases of custodial killings were reported in 2007.”
[67b] (p67)

Disappearances

The section below contains information on reports of disappearances committed by all security forces, not the just the police.

9.19 The USSD Report 2008 noted:

“During the year politically motivated **disappearances** declined, but police and security forces continued to hold prisoners incommunicado and to refuse to disclose their location. The HRCP [Human Rights Commission of Pakistan] estimated that by November approximately 1,100 individuals were still missing under official detention, down from 1,600 in 2007. On August 27, the Ministry of Interior acknowledged that many individuals remain missing in Balochistan. Some **disappearances** were related to terrorism and national security, and human rights organizations reported many Sindhi and Baloch nationalists were among the missing. According to Amnesty International (AI), children also disappeared with their relatives.

“Then President and Chief of Army Staff Musharraf's decision in November 2007 to abrogate the constitution and fire the Supreme Court effectively prevented continued action on the approximately 600 disappearance cases the court was reviewing as part of then Chief Justice Chaudhry's efforts to have the government release or regularize the detention status of prisoners that various security agencies held incommunicado.” [2k] (Section 1b)

9.20 On 25 February 2009 Amnesty International reported on the Pakistan government's failure to:

“...provide information about hundreds of cases of people believed to be held secretly by the government. Hundreds of people have been detained as part of the so-called war on terror, or in response to internal opposition, for instance in Baluchistan. Their failure comes despite several pledges to resolve the country's crisis of enforced disappearances. The Chief Minister of Baluchistan pledged in April 2008 that resolving the cases of enforced Baluch disappearances would be a priority.” [4e]

ARMED FORCES

9.21 Jane's noted in its Sentinel Country Risk Assessment for Pakistan on Armed Forces, last updated on 2 December 2008, that the armed forces consisted of 590,000 personnel in the army, a further 500,000 reservists, 25,000 in the Navy and 45,000 in the airforce. Additionally there are over 300,000 personnel in paramilitary forces, which included the National Guard, Pakistan Rangers and Frontier Corps. [36c] (Armed Forces)

9.22 The USSD Report 2008 stated that “The Rangers are a paramilitary organization under the authority of the Ministry of Interior. The armed forces are responsible for external security; at times during the year they were also assigned domestic security responsibilities.” [2k] (Section 1d)

- 9.23 In its Pakistan Country Profile – Main Report dated 10 September 2008, the Economist Intelligence Unit stated that:

“The new chief of army staff, General Ashfaq Kayani, appears less inclined towards military involvement in politics than his predecessors—at least for the moment. But the army remains Pakistan's ultimate political arbiter, and its presence reduces the freedom of movement for politicians. The expansion of the military into mainstream economic activity over the past few years has tarnished its reputation as the country's least corrupt institution.” [75a]

(For information on Arbitrary Arrest and Detention see section 11: Judiciary, subsection [Military Courts and the Army Act](#) and Section 12: [Arrest and Detention - Legal Rights](#) ; for information on Torture, Extrajudicial Killings and Arbitrary Arrest see subsection on [Police](#) above)

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OTHER GOVERNMENT FORCES

Intelligence Agencies

- 9.24 Jane's reported in their Sentinel Country Risk Assessment, updated on 31 May 2007, that:

“Pakistan's three primary intelligence agencies are the Directorate for Inter-Services Intelligence (ISI), the Intelligence Bureau (IB) and the Military Intelligence (MI). While all three ostensibly exist to safeguard Pakistan's national security, such is the level of mistrust between them that this overarching goal is frequently lost among inter-agency tension. The MI and ISI deal primarily with military matters while IB focuses on internal affairs. A further counter-terrorist organisation has been formed, the Special Investigation Group, with personnel trained by the US.” [36b] (Defence: Security and Foreign Forces)

- 9.25 Jane's further noted that the principal responsibilities of the Directorate of Inter-Services Intelligence were “covert surveillance of foreign interests within Pakistan (particularly diplomats), Pakistani nationals working abroad, anti-regime political activists and ostensibly entities that aim to destabilise the state; Harmonisation of tasks across all Pakistan's intelligence services; Collation of intelligence, both domestic and foreign, as it pertains to military affairs; and Undertaking covert offensive operations.” And added that “Regardless of President Musharraf's drive to purge the ISI of its links with Kashmiri militant groups and the Taliban regime, it is probable there are some elements remaining who have ties to these movements. The extent of their influence cannot be gauged.” [36b] (Defence: Security and Foreign Forces)

(For information on Arbitrary Arrest and Detention see section 12 subsection [Arbitrary Arrest and Detention – Legal Rights](#) and Section 11: Judiciary, subsection [Military Courts and the Army Act](#) ; for information on Torture, Extrajudicial Killings and Arbitrary Arrest see subsection on [Police](#) above)

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10. MILITARY SERVICE

- 10.01 The Coalition to Stop the Use of Child Soldiers Global Report 2008 on Pakistan, covering the period between April 2004 and October 2007, reported that:

“The 1952 Pakistan Army Act allowed compulsory military service to be introduced in times of emergency, but this provision had not been used. Under Article 39 of the 1973 constitution, ‘The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.’ The Pakistan National Service Ordinance of 1970 stated that officers and jawans (soldiers) could be recruited between the ages of 17 and 23, and had to have at least a year’s training before taking part in active service.” [16]

- 10.02 The CIA World Factbook, last updated 5 March 2009, stated that recruitment for military service could start at 16 years old although soldiers could not be sent into combat until they were 18 years of age. [34] (Military)

- 10.03 The USSD International Religious Freedom (USSD IRF) Report 2008 noted that “Members of minority religious groups volunteered for military service in small numbers, and there were no official obstacles to their advancement; however, in practice non-Muslims rarely rose above the rank of colonel and were not assigned to politically sensitive positions. A chaplaincy corps provided services for Muslim soldiers, but no similar services were available for religious minorities.” [2i] (Section II)

See also section 24. [Children](#)

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11. JUDICIARY

ORGANISATION

- 11.01 The CIA World Factbook, updated on 5 March 2009, stated that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ [International Court of Justice] jurisdiction with reservations." [34] (Government: Legal system)
- 11.02 The USSD Background note on Pakistan, updated July 2008, noted that:
- "The judicial system comprises a Supreme Court, provincial high courts, and Federal Islamic (or Shari'a) Court. The Supreme Court is Pakistan's highest court. The president appoints the chief justice and they together determine the other judicial appointments. Each province has a high court, the justices of which are appointed by the president after conferring with the chief justice of the Supreme Court and the provincial chief justice. The judiciary is proscribed from issuing any order contrary to the decisions of the President. Federal Sharia Court hears cases that primarily involve Sharia, or Islamic law. Legislation enacted in 1991 gave legal status to Sharia. Although Sharia was declared the law of the land, it did not replace the existing legal code." [2g]
- 11.03 The Pakistani government website (accessed 19 March 2009) stated that the Pakistan judicial system consists of a Supreme Court, High Courts in each of the provinces and the Federal Shariat Court (all established under the Constitution). The same source added that the Supreme Court was at the "apex" of the judicial system and:
- "...to the exclusion of every other Court in Pakistan, has the jurisdiction to pronounce declaratory judgements in any dispute between the Federal Government or a provincial government or between any two or more provincial governments...The Supreme Court, if it considers that a question of public importance, with reference to the enforcement of any of the Fundamental Rights ensured by the Constitution of Pakistan is involved, it has the power to make any appropriate order for the enforcement of fundamental rights....The Supreme Court has jurisdiction to hear and determine appeals from judgements, decrees, final orders or sentences passed by a High Court, the Federal Shariat Court and the Services Appellate Tribunals." The source added that the Supreme Court's decisions are binding in principle and in law for all other courts. [29c] (Supreme Court)
- 11.04 At the district level there are also "Courts of District Judges" and "Courts of Civil Judges" both dealing with civil cases, while criminal matters are heard in "Courts of Sessions" and "Courts of Magistrates". Court of Sessions can hear cases punishable by death and those under the Hudood Ordinances. The Government website added that "An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentence [sic] is up to four years, otherwise to the High Court." [29c] (High Court)
- 11.05 The same source added that there are also Special Courts and Tribunals to deal with specific types of cases, which included:

“Special Courts for Trial of Offences in Banks; Special Courts for Recovery of Bank Loans; Special courts under the Customs Act, Special Traffic Courts; Courts of Special Judges [sic] Anti-Corruption; Commercial Courts; Drug Courts; Labour Courts; Insurance Appellate Tribunal; Income Tax Appellate Tribunal and Services Tribunals. Appeals from the Special Courts lie to the High Courts, except in case of Labour Courts and Special Traffic Courts, which have separate forums of appeal. The Tribunals lie to the Supreme Court of Pakistan...Steps have been taken to overcome the problems of inordinate delays in dispensing justice and enormous cost involved in litigation- a legacy of the past...” [29c] (High Court)

- 11.06 On bail and delays during the trial the same Government website added:

“The Code of Criminal Procedure, 1898, has been amended to grant automatic concession of release on bail to the under-trial prisoners, if the continuous period of their detention exceeds one year in case of offences not punishable with death and two years in case of offences punishable with death. It also made incumbent on the criminal courts to take into consideration the period of detention spent by the accused as an under-trial prisoner while awarding sentence. No fee is payable in criminal cases and for filing any petition before the Federal Shariat Court. Court fee in civil cases up to the value of Rs.25,000 has been abolished.” [29c] (High Court)

- 11.07 The government source additionally noted that there is an Ombudsman overseeing the courts. The Wafaqi Mohtasib (Ombudsman):

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

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Shariat Courts (Islamic Law)

- 11.08 The International Crisis Group (ICG) recorded in its report ‘Pakistan: The Militant Jihadi Challenge’, dated 13 March 2009:

“[that] on 16 February 2009, NWFP’s Awami National Party (ANP)-led government made a peace deal, devised by the military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant group allied to the Taliban. The government agreed to impose Sharia (Islamic law) in NWFP’s Malakand region, with religious courts deciding all cases after 16 February 2009...” [3a] (pii)

- 11.09 The *Daily Times* reported on 18 March 2009 that:

"Sharia courts in Swat began reviewing cases under Islamic laws on Tuesday [17 March 2009], as per the ceasefire agreement between the Taliban and the NWFP government, officials said. Two qazis reviewed 30 cases in Mingora, but referred all the petitioners to police for mediation or investigation...

Malakand Commissioner Syed Muhammad Javed said seven Islamic courts had begun functioning in the valley on Tuesday." The same source added that "A senior lawyer, on condition of anonymity, said judges without the proper Islamic training had stopped going to courts with the imposition of sharia law. He said 11 civil judges, four additional civil judges, and one sessions judge had stopped going to the court." [55f]

- 11.10 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

"The Federal Shariat Court, according to Article 203 of the Constitution, can be used to examine and decide whether any law is repugnant to the injunctions of Islam. The passage of the Women's Protection Bill does not negate the possibility of Federal Shariat Court oversight in certain cases. The Federal Shariat Court could be used for any issue involving parts of the Hudood Ordinance not moved to the secular law provisions, including gambling, liquor possession and drinking, and fornication in the false promise of marriage...

"...The Federal Shariat Court is the court of first appeal in all Hudood cases that result in a sentence of more than two years. The Supreme Court, however, determined that in cases where a provincial high court decides to hear an appeal in a Hudood case, even in error, the Federal Shariat Court lacks authority to review the provincial high court's decision. The Shari'a bench of the Supreme Court is the final court of appeal for Federal Shariat Court cases. A 2005 ruling allows the full Supreme Court to bypass the Shari'a bench and assume jurisdiction in such appellate cases in its own right. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenants, but such cases are appealed to the Shari'a bench of the Supreme Court and may ultimately be heard by the full Supreme Court." [2k] (Section 1e)

- 11.11 The United States State Department Report on International Religious Freedom 2008 for Pakistan, released on 19 September 2008 (USSD IRF Report 2008), stated that:

"The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions that reflect differences in civil, criminal, and Islamic jurisprudence. The Federal Shari'a Court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood Ordinances; judges and attorneys in these courts must be Muslim. The federal Shari'a court may overturn any legislation judged to be inconsistent with the tenets of Islam. In March 2005, however, the Supreme Court Chief Justice ruled that the Federal Shari'a Court had no jurisdiction to review a decision by a provincial high court even if the Federal Shari'a Court should have had initial appellate jurisdiction." [2i] (Section II)

(See subsections on [Hudood Ordinances](#) and [Qisas and Diyat Ordinances](#) below)

Anti-Terrorism Act and Courts

11.12 The USSD Report 2008 noted that:

“The Anti-Terrorism Act allows the government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts were to be decided within seven working days, but judges were free to extend the period as required. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts. Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.” [2k] (Section 1e)

11.13 The USSD Report 2008 stated that “Antiterrorism courts do not grant bail if the court has reasonable grounds to believe the accused is guilty. Security forces may, without needing court approval, restrict the activities of terrorism suspects, seize their assets, and detain them for as long as one year without charges.” [2k] (Section 1d) The Freedom House Freedom in the World 2008 Country Report on Pakistan noted “Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights.” [19a]

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Military Courts and the Army Act

11.14 In HRW’s report, ‘Destroying Legality: Pakistan’s crackdown on Lawyers and Judges’ released on 19 December 2007, it was observed:

“As part of his effort to institutionalize the military’s power even after a return to civilian rule, on November 10, 2007, Musharraf amended the 1952 Army Act to allow the military to try civilians for a wide range of offenses previously under the purview of the country’s civilian judiciary. These include offenses punishable under:

- the Explosive Substances Act, 1908;
- prejudicial conduct under the Security of Pakistan Act, 1952;
- the Pakistan Arms Ordinance, 1965; the Prevention of Anti-National Activities Act, 1974;
- the Anti-terrorism Act, 1997;
- several sections of the Pakistan Penal Code.

Under the amended Army Act civilians can now be tried in military courts for acts of treason, sedition and less specific offenses such as ‘giving statements conducive to public mischief.’” [13c]

11.15 The same report added:

“...trials of civilians conducted by special military courts under the amended law will not be public, investigations will be conducted by military officers, and

rules of evidence and procedures prescribed by law and the constitution for civilian trials will not apply. While the Pakistan security forces have long enjoyed impunity for serious abuses, the amendments to the Army Act will exacerbate the problem. First, by subjecting civilians to trial by military courts, family members of victims of military abuses will be even less willing to come forward than ever before. Secondly, the amendment to the Army Act making it retroactive to 2003 will permit the armed forces to claim as lawful the many illegal detentions for which it has been responsible in recent years. Before Musharraf dismissed Supreme Court justices and effectively took control of the Supreme Court, it was investigating some 400 cases of 'disappearances.' While some of these cases concerned terrorism suspects, many involved political opponents of the government. The Supreme Court under Chief Justice Chaudhry publicly stated that it had overwhelming evidence that Pakistan's intelligence agencies were illegally detaining terror suspects and other opponents and repeatedly urging the authorities to free such individuals or process them through the legal system. In response to pressure from the Supreme Court, scores of those who 'disappeared' were freed, but threatened with re-arrest or worse if they spoke publicly of their ordeal." [13c] (Amendments to Laws under Emergency Rule)

- 11.16 An article in Opendemocracy entitled 'Pakistan's multi-faceted crisis', dated 12 November 2007, noted that the amendment to the Army Act:

"...make[s] it possible to court-martial civilians, which has been condemned across the political spectrum... While officials defended this amendment by pointing out the difficulty in obtaining convictions of terrorists under the present criminal laws, critics note that (among many other things) civilians can now be brought before a military tribunal for 'giving statements conducive to public mischief'. This provision is open to such a wide interpretation that just about any of the thousands of lawyers, political activists and human-rights volunteers currently under arrest can be tried under it." [78]

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Federally Administered Tribal Areas

- 11.17 The USSD Report 2008 noted that there is a separate legal system for the Federally Administered Tribal Areas (FATA), the Frontier Crimes Regulation (FCR), which:

"...recognizes the doctrine of collective responsibility. Tribal leaders were responsible for justice in the FATA. They conducted hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversaw proceedings and could impose prison terms of as long as 14 years. Under the FCR, FATA residents may appeal judgments within the civil bureaucracy. Some observers faulted the procedures for not allowing cases to be heard on appeal by the judiciary.

"Human rights NGOs also expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

“Reports of religious extremists and militants forming parallel administrations, including justice administrations, in FATA increased during the year. Public executions were the most visible manifestation of this trend.” [2k] (Section 1e)

See also subsection [Sharia Courts \(Islamic Law\)](#)

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Tribal Justice System

11.18 The USSD Report 2008 stated that:

“Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. In Pashtun areas, such councils were held under the outlines of the Pashtun Tribal Code. Under the code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence.” [2k] (Section 1e)

11.19 The Society for the Protection of the Rights of the Child report, the State of Pakistan’s Children 2006, released in May 2007 (SPARC Report 2006), stated that:

“Jirga is an age old custom of resolving issues, disputes, rivalries at the village level. However, with time, from an informal community-based body that was meant to settle small claims, the ‘Jirga’, or council of tribal elders, has in Pakistan been allowed to emerge as a powerful force protecting the interests of the powerful. This all-male body is often called upon to adjudicate on matters pertaining to women — whose views are never sought.” The same source added that “Despite the ban imposed on Jirgas by the Sindh High Court, over 150 Jirgas were held in Sindh throughout the year [2006]. The Jirgas are not only led by the feudal lords but also by the members of the parliament and provincial and district legislatures. This obviously adds authority to the verdict given by the Jirga, and adds to the misery of the poor people who are punished through these Jirgas. [The] Jirga system is prevalent in all the provinces of Pakistan as well as in the tribal areas.” [71a] (p196-7)

11.20 In their report ‘Pakistan: The tribal justice system’, dated 1 August 2002, Amnesty International noted:

“Tribal jirgas [literally: meeting; faislo, a Sindhi term for both the meeting and the decision; panchayat, council of elders] consisting of elders of the tribe and headed by the sardar [head of a tribe] or, if the dispute is of less importance, local heads of the tribe, can either be called on an ad hoc basis or take place regularly. They deal with a range of issues, including conflicting claims to land and water, inheritance, alleged breaches of the ‘honour’ code and intra-tribal or inter-tribal killings. Many sardars or lower tribal leaders hold regular ‘adjudication’ days which are widely known and attended by people with a variety of complaints. Sardars have no formal training in ‘adjudication’; sardars

have told Amnesty International that they had learned how to conduct jirgas from their fathers; one sardar said, 'It's all in my head, there is no need to codify it ... I have my own intelligence to tell me what is just'. Others have claimed that while not codified, the principles of tribal justice are well defined." [4b] (p7, *The jirga or faislo or panchayat system*)

11.21 The report continued:

"A jirga can be initiated by a sardar who is aware of a feud and calls on the persons involved to submit to a jirga or by a complainant who approaches the sardar. On some cases the sardar alone will decide issues but major conflicts are brought before an assembly of elders. Both the complainant and the accused have to agree to appear before the jirga and to submit to their decision. Proponents of the system have described it as democratic: 'A democratic system prevails among the tribes. People only come to the sardar if both parties agree ... if the sardar is a respected person, people will come to him for resolution of conflicts', a sardar told Amnesty International.

"Proceedings begin by the complainant presenting his case and the other party then responding. Unlike in the formal judicial system in Pakistan which in some cases allows for trial in absentia, in the tribal system, the accused has to be present in person and present their case in person. In some cases, jirgas have been postponed when the accused did not present themselves..." [4b] (p6, *The process of jirga*)

11.22 The same source noted that:

"During the 'trial', all the people involved usually stay at the place of 'trial' as guests of the presiding person. 'We give the hospitality and telephones and food ... but we don't charge anything for our service', a tribal sardar told Amnesty International, acknowledging, however, that some tribal leaders are now asking for a fee. While generally 'proceedings' do not cost the 'litigants' anything, sardars taking fees are seen by many observers as an indicator of the decline of the system. A former Commissioner of Larkana division, Aslam Sindhrani, pointed out to Amnesty International that sardars draw monetary benefit from holding jirgas besides benefits to their status." [4b] (p6, *The process of jirga*)

11.23 The SPARC Report 2006 noted that:

"On April 24, 2004, the Sindh High Court (SHC) imposed a ban on holding Jirgas in the province, but government functionaries, ranging from chief ministers to union council Nazims, continue to participate in these meetings. The icing on the cake is the Sindh government's incredible step of secretly drafting a back-dated ordinance, the 'Sindh Amicable Settlement of Disputes Ordinance' - obviously to nullify the SHC ruling. The Ordinance was brought to public attention by human rights organizations and was categorically denounced as a parallel judicial system which would only further institutionalize violence and discrimination against the poor and women, as it has historically done.'" [71a] (p196-7)

11.24 The USSD Report 2008 noted:

“Many tribal councils instituted harsh punishments such as the death penalty or watta-satta marriages (exchange of brides between clans or tribes). Over the past few years, there has been a growing number of reports of militants running their own courts in several tribal agencies and in Swat, and dispensing quick justice with little due process or transparency in their deliberations. The AHRC reported since 2002 more than 4,000 individuals, two-thirds of whom were **women**, have died by order of jirga courts in the country. Although the superior courts have declared these rulings illegal, AHRC reports that some of those involved in implementing jirgas sit in parliament.” [2k] (Section 1e)

- 11.25 The AHRC report, ‘The state of human rights in eleven Asian countries – Pakistan’, dated December 2007, stated:

“Honour killings still form part of the law meted out by Jirga courts (private courts in tribal society) and the victims do not have access to normal courts. The women have been controlled by harsh customs and traditions by religious and sectarian groups. There were more than 3000 women jailed under minor charges and lower courts cannot grant the bail because of the pressure exerted by local religious groups. It seems the implementing authorities still under pressure of religious and powerful people [sic]” [52b]

See also Section 23: Women, subsection [Honour killings](#)

- 11.26 The Human Rights Commission of Pakistan (HRCP) report, ‘State of Human Rights in 2007’, released 29 March 2008, stated:

“Despite clear rulings by the judiciary that the jirga system, that is, dispensation of justice at unauthorized forums, was unlawful, jirgas continued to be held throughout 2007 and there were suggestions that the government was not averse to sanctifying them. Pakistan fully supported and joined a joint jirga with Afghanistan for solving a variety of bilateral issues. An officially-sponsored jirga struggled with maintenance of peace in North Waziristan for a better part of the year... The government did not respect some jirga decisions, such as the one that opposed military action in Swat. Some sections of the administration did not respect the jirga verdicts that violated the Protection of Women Act and action was initiated against jirga members who had sanctioned vani/swara transactions. However the government had no problem with jirgas and panchayats across the country, which delivered judgments in all kinds of criminal cases.” [27a] (p36, **Administration of justice; Jirga system sanctified**)

(See subsection below: [Qisas and Diyat Ordinances](#))

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INDEPENDENCE AND FAIR TRIAL

- 11.27 The Human Rights Watch World Report 2009, covering 2008 events, recorded:

“Upon assuming power, the government released all judges detained by Musharraf and restored their salaries. Most of the 42 judges fired by Musharraf returned to work under a deal with the PPP-led government that required them to take a fresh oath of office under the constitution. However,

despite repeated public assertions to the contrary, President Zardari reneged on commitments and his signed agreement with opposition leader Nawaz Sharif to restore to office deposed Supreme Court Chief Justice Iftikhar Muhammad Chaudhry, who had been arbitrarily fired and detained by Musharraf during emergency rule.” [13a] (Judicial independence)

- 11.28 However, Reuters reported on 16 March 2009 that the Pakistan government had agreed to “... reinstate Iftikhar Chaudhry as chief justice... to defuse a crisis and end agitation by lawyers and activists that had threatened to turn into violent confrontation... Prime Minister Yousaf Raza Gilani made the announcement in a televised address to the nation.” [17b]
- 11.29 On 18 March 2009, BBC News reported that Iftikhar Chaudhry would not have to swear a new oath when he returns to office. The article noted that ten other sacked judges were also reinstated, without having to take new oaths. [35f] Iftikhar Chaudhry was formally reinstated to the post of Supreme Court chief justice at midnight on Saturday, 21 March 2009. (BBC News, 22 March 2009) [35u]

See also Section 4: [Recent developments](#)

- 11.30 The USSD Report 2008 stated with regard to the judiciary’s independence:

“The law provides for an independent judiciary; in practice, however, the judiciary was subject to executive branch influence at all levels. This influence was exacerbated in the wake of the 2007 state of emergency when the judges of the Supreme Court and the provincial high courts were dismissed and only allowed back on the bench if they swore a new oath on a Provisional Constitutional Order instituted during the state of emergency... Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government’s control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. There were extensive case backlogs in both the lower and superior courts. As of November [2008], the Sindh District and Sessions Courts had a backlog of 120,000 cases; as of September the Peshawar High Court had a backlog of 13,000 cases; and as of October 31, the Supreme Court had a backlog of 16,596 cases.” [2k] (Section 1e)

- 11.31 The same report added:

“The civil, criminal, and family court systems provide for open trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. A case started over when an attorney changes.” [2k] (Section 1e)

- 11.32 The Freedom House Freedom in the World 2008 Country Report on Pakistan noted that:

“Lower courts remain plagued by corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to

lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the PCO issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced by jurists willing to support the executive, particularly in cases on the legality of military rule or other politically charged topics. In addition, as noted by the ICG, the executive used the appointments system to remove independent judges, fill key positions with political allies, and reward those who issued favorable judgments. However, the Supreme Court has occasionally shown sparks of independence, and increasing activism by the court, particularly by Chief Justice Iftikhar Chaudhry, prompted the standoff in 2007." [19a]

- 11.33 With regard to cases dealt with by the National Accountability Bureau (NAB), the USSD Report 2008 observed that "... Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB did not prosecute serving members of the military or judiciary. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees." [2k] (Section 1e)

For further information on the NAB see [Section 18: Corruption, subsection the National Accountability Bureau \(NAB\)](#)

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Double jeopardy

- 11.34 Following consultation with a law firm in Pakistan, a letter dated 12 February 2008 from the Foreign and Commonwealth Office (FCO) stated:

"We [the Pakistan law firm] have reviewed the provisions of law relating to double jeopardy to ascertain whether any individual who has been convicted in the U.K and has served time can be tried and sentenced for the same crime on his return to Pakistan and would advise as under:

"Under Section 403 of the Criminal Procedure Code, 1898 (the 'Code') no person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall during the pendency [sic] of the acquittal or conviction be liable to be tried again for the same offence. However, a person so acquitted or convicted may be tried for (a) any distinct offence for which a separate charge might have been made i.e. where more than one offence are committed by the same person; (b) a different offence arising out of the consequences of the act which constituted the first offence but which consequences together with the act constitute a different offence and (c) any other offence constituted by the same acts which constituted the first offence but which the court which first tried him was not competent to try.

"To invoke Section 403 of the Code the following conditions must be satisfied:
 i) The accused has already been tried for the offence charged against him,
 ii) the trial was held by a court of competent jurisdiction, and
 iii) a judgment or order of acquittal or conviction has been issued." [11g]

- 11.35 The same letter noted:

“The rule against ‘autrefois convict’ i.e. double jeopardy, has received recognition in Article 13(A) of the Constitution of the Islamic Republic of Pakistan 1973 (the ‘Constitution’) which provides a constitutional guarantee to the effect that no person shall be prosecuted or punished for the same offence more than once.

“To ascertain whether... [a] person convicted by a court in U.K. is covered by Section 403 of the Code it needs to be determined whether the conditions set out for invoking Section 403 of the Code are met... The Code is silent on the issue of whether the term ‘court of competent jurisdiction’ as used therein extends to cover a foreign court of competent jurisdiction. However, where the legislature has intended to extend cover of any statute to foreign courts it has done so by specific reference i.e. in the Control of Narcotic Substances Act, 1997 specific reference is made to a ‘foreign court of competent jurisdiction’ and it is therefore safe to conclude that a ‘court of competent jurisdiction’ for purposes of Section 403 of the Code has to be a court within the territorial jurisdiction of Pakistan...

“Likewise, the constitutional guarantee provided by Article 13 (A) of the Constitution will, in our opinion, not extend to an offence which has been tried and convicted outside Pakistan as the doctrine of dual sovereignty permits successive prosecutions by two states for the same conduct.” [11g]

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PENAL CODE

Text of Penal Code

- 11.36 The full text of the Pakistan Penal Code (Act XLV of 1860), including recent amendments can be found on the website pakistani.org. [14c]

Qisas and Diyat Ordinances

- 11.37 The USSD International Religious Freedom Report 2004 (USSD IRF Report 2004) stated that:

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

- 11.38 The USSD Report 2008 recorded “[that] Human rights groups criticized the legislation because it allows the victim or the victim’s heirs to negotiate

physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges... Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.” [2k] (Section 1e)

- 11.39 The Human Rights Commission of Pakistan (HRCP) report, State of Human Rights in 2007, released 29 March 2008, stated that “A significant development in 2007 was an appreciable increase in edicts/verdicts issued by Qazi [Islamic] courts in the informal sector or by clerics individually. The most glaring instance was the creation of a Qazi court at the Lal Masjid in Islamabad. Quite a few people were staggered by reports that one of the first cases taken up by this court had been referred to it by the government.” [27a] (p36, Administration of justice; Jirga system sanctified)

See also above sub-sections 11.08: [Shari’a Courts \(Islamic Law\)](#); and 11.17: [Tribal Justice System](#)

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Blasphemy Laws

- 11.40 The USSD International Religious Freedom Report 2008 (USSD IRF Report 2008) released 19 September 2008, observed in its introductory section that “Freedom of speech is constitutionally ‘subject to reasonable restrictions imposed by law in the interest of the glory of Islam’.” It further noted in Section II that “The consequences for contravening the country’s blasphemy laws are the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur’an; and ten years’ imprisonment for insulting another’s religious feelings.” [2i] (Section II)

(For detail on the provisions of the laws and their impact on various religious groups see Section 18: [Freedom of Religion](#), sub-section [Blasphemy Laws](#))

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Hudood Ordinances

- 11.41 The Human Rights Commission of Pakistan, accessed 13 October 2008, cited a report released in 2003 by the National Commission on the Status of Women which stated that:

“In 1979 the following four Hudood Ordinances were enforced:

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

- 11.42 The Freedom House Freedom in the World 2008 Country Report on Pakistan noted that “The Sharia court enforces the 1979 Hudood Ordinances, which

criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses. They also provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments.” [19a]

- 11.43 The USSD Report 2008 noted that “Before the 2006 Women’s Protection Act, the Hudood Ordinances allowed Koranic punishments for violations of Shari’a (Islamic law), including amputation and death by stoning. There were no reports that authorities imposed such punishments during the year [2008].” [2k] (Section 1c)

- 11.44 The USSD Report 2007 added:

“The bill reversed the most negative aspects of the Hudood Ordinances, which contained provisions for the punishment for rape and adultery and was generally used by family members to control their children’s marriage choices, by abusive husbands to control their wives, or by neighbors to settle personal scores. The new law brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. While sex outside a marriage remained a crime, police lost the authority to investigate such claims under the new law, implementation of which was a problem because of the lack of training of police and lack of awareness of the bill’s technicalities. After the passage of the law, police were not allowed to arrest or hold a woman overnight at a police station without the permission of a civil court judge... After the passage of the Women’s Protection Bill, all cases against women were cited under it and not the Hudood Ordinances.” [2h] (Section 1e)

- 11.45 The USSD Report 2006 noted:

“...Sections of the Hudood Ordinances that remain in effect, such as those prohibiting gambling, alcohol, and some property offenses, are tried by ordinary criminal courts. The ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non Muslims, for cases in which Koranic punishments are to be applied... For Hudood cases involving the lesser secular [Tazir] penalties, different weight is given to male and female testimony in matters involving financial and contractual obligations. The Hudood ordinances do not apply to non-Muslims, although non-Muslims can be implicated in cases that involve wrong-doing by Muslims.” [2b] (Section 1e)

- 11.46 The USSD 2008 Report noted, despite the introduction of the Women’s Protection Act on 1 December 2006, that:

“According to the Aurat Foundation, approximately 66 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. With the enactment... [of the] Women’s Protection Act, women are not supposed to be arrested for rape under the Hudood Ordinance nor required to produce four witnesses to prove a charge of rape, as required under the zina laws (laws regarding extramarital sexual intercourse)... After the passage of the Women’s Protection Act, authorities released from prison 300 to 500 women due to the less harsh guidelines in the bill. In July 2007 the president promulgated the Law Reforms Ordinance, allowing women held under the Hudood Ordinance to be eligible for bail.” [2k] (Section 1d)

- 11.47 On the release of women imprisoned under the Hudood Ordinance, the USSD IRF Report 2008 stated that “Approximately 2,500 women have been released. Many were unable to return to their homes because of social ostracism. A few others remained in custody, and most were housed in Daarul Amaans (government-run group homes). The women who were arrested under the Hudood Ordinance on charges of fornication, adultery, and possession of liquor now have their cases heard under the Women's Protection Bill.” [2i] (Section II)

See also Section 19: Religious Groups, subsection [Hudood Ordinances](#), and Section 23: Women, sub-section on [Women's Protection Act \(and the Hudood Ordinances\)](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that the Pakistani authorities did not always comply with the laws prohibiting arbitrary arrest and detention. The same source provided detail on the legal process for arrests:

“A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs when complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, if police show such detention is material to the investigation. In practice, however, authorities did not fully observe these limits on detention...” [2k] (Section 1d)

- 12.02 The USSD Report 2008 continued:

“The district coordination officer may order preventive detention for as long as 90 days and may extend the detention for an additional 90 days with court approval. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. In corruption cases, the National Accountability Bureau (NAB) may hold suspects indefinitely provided judicial concurrence is granted every 15 days.” [2k] (Section 1d)

- 12.03 On availability of bail and the legal process the same source noted that:

“The law stipulates detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for nonbailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until six months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that approximately 50 percent of the prison population was awaiting trial.” [2k] (Section 1d)

- 12.04 The Code of Criminal Procedure, 1898, as amended by Act II in 1997, is available on the Punjab Police's website. The document codifies the arrest and trial process, and provides procedural guidance, among other things, on the power of the courts; arrest, escape and recapture; compelling appearance before a court; production of documents and movable property before a court; unlawful assembly; and proceedings in prosecution cases. [38]

- 12.05 The USSD Report 2008 also noted that:

“Special rules apply to cases brought by the NAB [National Accountability Bureau] or before antiterrorism courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be

prosecuted. The NAB did not prosecute serving members of the military or judiciary.” [2k] (Section 1d)

See Section 9: Security Forces; Police, subsection [Arbitrary Arrest and Detention](#); Section 11: [Judiciary](#), subsections [Anti-Terrorist Act and Courts](#), and [Independence and Fair Trial](#); Section 19: [Religious Freedom](#), subsection [Legal procedure for blasphemy charges and](#) Section 33: [Exit Control List](#)

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13. PRISON CONDITIONS

13.01 The ACHR South Asia Human Rights Index 2008 recorded that in 2007, 89,542 prisoners occupied 82 jails, the majority of whom were awaiting trial. [67b] (p78) The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that "Prison conditions were extremely poor and failed to meet international standards. Overcrowding was widespread, except for cells of wealthy or influential prisoners. According to SHARP, nearly 90,000 prisoners occupied 87 jails originally built to hold a maximum of 36,075 persons." [2k] (Section 1c)

13.02 The USSD Report 2008 added that:

"There were reports of prison riots, largely due to the poor living conditions inside prisons. For example, on September 15, inmates rioted after authorities refused to allow death-row inmate Muhammad Yousaf to attend his mother's funeral and beat him in front of other prisoners for making the request. The Sindh prisons inspector suspended both the jail deputy superintendent and assistant superintendent because of the riots.

"On October 4, prisoners in Hyderabad central jail rioted over a lack of basic facilities and alleged official corruption. More than 1,000 prisoners broke out of their cells and protested both the solitary confinement of 40 prisoners and basic conditions of confinement. Police injured four inmates in the clashes. Prisoners only ended their siege after they received a written statement from officials ensuring they would not be tortured. The Sindh attorney general promised an investigation of allegations of torture.

"In October, rioting also erupted in the Karachi, Multan and Timergara prisons. According to Global Foundation (GF), an NGO working on prison issues, 20 deaths were reported in Rawalpindi's Adiala Prison through August due to lack of basic facilities." [2k] (Section 1c)

13.03 The same source noted that:

"The International Committee of the Red Cross (ICRC) had an agreement with the authorities on independent visits to prisons throughout the country, but this understanding was only partially honored, and ICRC visits were not taking place in the provinces of Punjab and Balochistan at the end of the year. Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and women inmates, but visits of prison conditions for male inmates, whose conditions were poorest, took place rarely and on an ad hoc basis... Prison officials kept child offenders in the same facilities as adults but in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population." [2k] (Section 1c)

13.04 The USSD International Religious Freedom Report 2008 (USSD IRF 2008) reported that:

"Police reportedly tortured and mistreated those in custody, and at times, engaged in extrajudicial killings. It was usually impossible to ascertain whether

adherence to particular religious beliefs was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates, including a lack of access to spiritual resources. Conversion to other minority religious groups generally took place in secret to avoid a societal backlash.” [2i] (Section II)

- 13.05 On 3 January 2009, the *Daily Times* reported on the imminent opening of a church at Adiala Jail in Rawalpindi. Adiala Jail would become the first prison to have a church open on its premises. It was expected that over 250 Christian prisoners would visit the church. A visitor to Adiala Jail stated that, with the government’s financial and administrative support, Christians intended to open other churches in prisons across the province. [55a]

See also Section 19: [Christians](#)

- 13.06 The USSD Report 2007 also noted that:

“Landlords in Sindh and Punjab, as well as tribes in rural areas, operated illegal private jails. On May 21, approximately 20 men, women, and children escaped a private jail run by Tahir Khan Khosa, a feudal landlord in rural Sindh. The escapees claimed that they had been in detention for the past three years after they were unable to repay debts to Khosa on time... There were media reports that militant paramilitary groups also maintained private jails where detainees were physically and mentally tortured.” [2h] (Section 1c) The USSD Report 2008 added that “Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers.” [2k] (Section 6c)

- 13.07 The USSD Report 2007 stated that “According to the International Human Rights Observer, a local NGO, there were 3,200 to 3,500 women in jails nationwide as of October [2007].” [2h] (Section 1c) However the USSD IRF 2008 Report noted that, following the Women’s Protection Bill signed into law in December 2006, President Musharraf ordered the release of all women detained under the Hudood Ordinances and approximately 2,500 had been released. [2i] (Section II)

See Section 24: Children, subsection [Judicial and penal rights](#) for information on prison conditions for children

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14. DEATH PENALTY

- 14.01 Pakistan retains the death penalty for ordinary crimes (Amnesty International, Death Penalty: Abolitionist and Retentionist Countries , 20 February 2008) [4c] including murder, blasphemy, arms trading, drug trafficking, armed robbery, stripping a woman of her clothes in public, extra-marital sex and rape. (Human Rights Watch, Enforcing the International Prohibition on the Juvenile Death Penalty, 30 May 2008) [13e] (p16) The USSD Report 2008 added “The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad.” [2k] (Section 2c)
- 14.02 During 2007 135 people were reported to have been executed, including one who was under 18 at the time the offence was committed. In addition 310 people were reportedly sentenced to death. (Amnesty International Report 2008 for Pakistan, May 2008) [4a] (Death Penalty) And “[t]here were more than 7,000 prisoners on death row.” (HRCP (Human Rights Commission of Pakistan), State of Human Rights in 2007, 29 March 2008) [27a] In addition, “Three men and two women were stoned to death in Pakistan in 2007 and in the first six months of 2008, but in extra-judiciary cases, tried by a tribal jury.” (Hands Off Cain 2008 Report) [77]
- 14.03 Human Rights Watch recorded in its World Report 2009 (HRW Report 2009) that “Pakistan's prime minister announced in June 2008 that more than 7,000 inmates on death row in Pakistan would have their sentences commuted. In a July meeting with Human Rights Watch the prime minister again emphasized his intention to commute the death sentences. Between the June announcement and this writing in late 2008, however, 15 more people were executed, according to the Human Rights Commission of Pakistan.” [13a] (Death Penalty) Furthermore, a news article by the Asian Human Rights Commission, dated 10 October 2008, stated that the plans to commute the death sentences had yet to be confirmed by the government. [52c]
- 14.04 The HRW Report 2009 added that “Despite commitments to reduce the number of offenses for which the death penalty is applicable, Zardari actually increased their number in November by adding ‘cyber-terrorism’ to the list of crimes punishable by death. Pakistan's Law Ministry appears to be stalling the commutation of death sentences and blocking proposals to limit the applicability of the death penalty.” [13a] (Death Penalty)
- 14.05 The Foreign and Commonwealth Office (FCO) Human Rights Annual Report 2007 stated that “More than 400 individuals are sentenced to death each year and 40 to 50 executions are carried out.” The FCO estimated that over 7,500 people were being held on death row. [11e]

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15. POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.01 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that “The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law.” [2k] (Section 2b)

15.02 On the right to assemble, the same source observed that:

“Although the constitution provides for this right, in practice the government placed selective restrictions on the right to assemble. By law, district authorities can prevent gatherings of more than four people without police authorization. Separately, Ahmadis have been prohibited from holding conferences or gatherings since 1984. Unlike in 2006, there were no reports the government permitted banned religious extremist organizations to hold rallies during the year. Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists, and journalists.” [2k] (Section 2b)

15.03 On freedom of association, the same report added:

“The constitution provides for the right of association subject to restrictions by law. NGOs are required to register with the government. According to Freedom House, fewer than half of the approximately 100,000 NGOs in the country were registered. No prominent NGO reported problems with the government due to registrations during the year. Some continued to operate without registering and were not prosecuted. The NGO community protested a voluntary code of conduct promulgated in early 2007 by the Ministry of Social Welfare and Special Education, according to Freedom House. The code gives the government powers to regulate NGO activity, change the groups' staff or management, and freeze the assets of organizations that do not comply. In practice, the code has not been enforced and has not impeded the work of NGOs.” [2k] (Section 2b)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.04 The USSD Report 2008 noted that:

“The law provides the majority of its citizens with the right to change their government, and the country held national and provincial elections during the year that brought opposition parties to power... The government permitted all existing political parties to contest the [2008] elections. The largest political parties participated. Pakistan Tehreek-e-Insaaf (PTI), some Baloch parties, and several parties from the Muttahida Majlis-e-Amal (MMA) coalition were among those that staged a boycott... The Federally Administered Northern Areas, FATA, and Azad Kashmir were subject to unique systems. The president retained the power to dissolve parliament, a power Musharraf arrogated to the presidency and codified in constitutional article 58(2)b.

“The government ban on political party activities in the FATA continued. According to the Frontier Crimes Regulation Act, the Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Two secular political parties, the Awami National Party and the PPP, complained that this rule was void, since religio-political parties such as Jamiat e Ulema e Islam and Jamaat e Islami openly campaigned in the FATA.” [2k] (Section 3)

- 15.05 The Freedom House Freedom in the World 2008 Country Report on Pakistan, observed that “A 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau [NAB] and established special courts to try corruption cases. Musharraf has used these organs to prosecute rival politicians and officials from previous governments.” [19a] The USSD Report 2007 also noted that “Despite government claims that NAB cases were pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary.” [2h] (Section 1d)

- 15.06 The *Daily Times* reported, on 29 June 2008, that:

“Banned militant outfits are resurfacing in Karachi and reopening their offices... Some of them have taken on new names. Rival sectarian outfits, Sipah-e-Sahaba Pakistan (SSP) and Sipah-e-Mohammad Pakistan (SMP), have reopened their sealed offices and have temporarily changed their names to Ahl-e-Sunnat-Wal Jamat and Shia Ulma Council, respectively. The Tehreek-e-Jafferia Pakistan (TJP) has also changed its name to the Jafferia Student Organisation... The groups are distributing handbills and chalkings on walls across the city... [and] have reportedly restarted their activities from mosques in areas where they dominate.” [55n]

See also [Section 8: Security Situation](#) and [Annex B: Political organisations](#)

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues. The government often impeded criticism, however, by monitoring political activity and controlling the media. A government ordinance to restrict the freedom of television and radio imposed during the 2007 state of emergency remained in effect, but the new government did not enforce it. Journalists and their families were arrested, beaten, and intimidated, leading many to practice self-censorship.” [2k] (Section 2a)

- 16.02 Reporters Without Borders (Reporters Sans Frontières – RSF) reported in its 2008 Press Freedom Index, where Pakistan was ranked 152 out of 173 countries (ranging from 1 being the most free to 173 being the least free), that although “Major political changes took place in Pakistan... their effects on press freedom have not yet been felt. Gen. Pervez Musharraf’s departure as Pakistan’s president should benefit the press but the war with the Taliban is an even more serious problem for journalists.” [23c]

- 16.03 On 13 March 2009 Reporters Without Borders condemned the Pakistan government for suspending the transmissions of television stations Geo News and Aaj TV in several major cities. The suspensions came amid demonstrations and protest marches by lawyers and opposition activists across the country demanding the reinstatement of judges sacked by President Musharraf in 2007. [23b]

- 16.04 The USSD International Religious Freedom 2008 Report (USSD IRF 2008) observed, in particular with regard to religion and the blasphemy laws, that:

“Freedom of speech is subject to ‘reasonable’ restrictions in the interests of the ‘glory of Islam.’ The consequences for contravening the country’s blasphemy laws are death for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur’an; and 10 years’ imprisonment for insulting another’s religious feelings. These laws are often used to settle personal scores as well as to intimidate vulnerable Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorist Act, any action, including speech, intended to incite religious hatred is punishable by up to 7 years of imprisonment. Under the act, bail is not to be granted if the judge has reasonable grounds to believe that the accused is guilty; however, the law is applied selectively.” [2i] (Section II) The USSD Report 2008 added “The Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. According to Intermedia, there were seven cases of crackdowns on radical publications during the year: three in Punjab, and two each in NWFP and Sindh.” [2k] (Section 2a)

- 16.05 The BBC News Country Profile: Pakistan, updated on 17 March 2009, observed that:

“... Television is the dominant medium, and there are around 50 private channels. The overwhelming majority of viewers receive them via cable. There

are no private, terrestrial stations. More than 100 private FM radio stations have been licensed. They are not allowed to broadcast their own news programmes. Scores of unlicensed FM stations are said to operate in the tribal areas of North-West Frontier Province. They are usually operated by clerics. Some of them are accused of fanning sectarian tension.

“The government uses legal and constitutional powers to curb press freedom. Private TV news channels were closed under a state of emergency in late 2007, and the law on blasphemy has been used against journalists.

“Pakistan's press is among the most outspoken in South Asia, although its influence is limited by a literacy level of around 50%.

“World telecoms body the ITU estimated in March 2008 that there were 17.5 million internet users. The authorities filter some websites. A growing number of bloggers write about politics.” [35r] (Media)

- 16.06 The Committee to Protect Journalists (CPJ) recorded in its ‘Attacks on the Press in 2008: Pakistan’ that “Though circulation of newspapers and magazines in 11 languages held steady during the Musharraf regime, the growth of broadcast news was notable. More than 25 all-news stations operated in 2008, with many others carrying news shows along with general programming. Almost all were available across the country on cable.” [22b]

- 16.07 The USSD Report 2008 added:

“There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The few small privately owned wire services practiced self-censorship. The military had its own press wing, Inter Services Public Relations, as well as two sections to monitor the press. There were no newspapers published in the FATA. Owners of newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within Azad Kashmir. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

“Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas allowing them to work as journalists. The government directly owned and controlled Pakistan Television and Pakistan Broadcasting Corporation, which ran radio stations throughout the country. Both reflected government views in news coverage... Changes made by the former government that increased executive control over the print media remained in effect...

“Foreign books must pass government censors before being reprinted, but in practice there were no reports of book bans during the year. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

Obscene literature, a category the government defines broadly, was subject to seizure. Television and radio stations broadcast dramas and documentaries

on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality.” [2k] (Section 2a)

- 16.08 Reporters Without Borders (Reporters Sans Frontières – RSF) reported in its Annual report 2008 for Pakistan that:

“The government in June [2007] promulgated the PEMRA [Pakistan Electronic Media Regulatory Authority] Amendment Ordinance 2007 to boost the regulatory body’s power of censorship and control over television stations and cable operators. It gave the PEMRA the right to seize TV equipment, to close installations and cancel licences for any violation of the law... Under these amendments, it was totally forbidden to all media to broadcast footage or news about a suicide-bombing (the terrorist, his claims or the victims); to make remarks prejudicial to the ideology, sovereignty, integrity or security of Pakistan; to broadcast any news ridiculed the head of state, the army and institutions; or to refer to ongoing judicial proceedings.” [23a] However, the USSD Report 2008 stated “The PPP government did not enforce restrictive amendments to the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance that the previous government promulgated.” [2k] (Section 2a)

- 16.09 It was reported on 11 April 2008 that the Information Minister, Sherry Rehman, had “introduced a parliamentary bill proposing to end the ban on live broadcasts [and]...scrap[s] punishments for journalists who ‘defame’ the president, the government or the army.” Ms Rehman stated that “The amendments will remove the entire apparatus of restrictions imposed on the press,” and added ‘We will put our own house in order and we will allow the press to broadcast not just live telecast but all that they feel fit to broadcast’. (BBC News, 11 April 2008) [35q] The COI Service is not aware, at the time of writing (April 2009), that the bill has progressed through the Pakistan parliament.

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JOURNALISTS

- 16.10 The USSD Report 2008 noted that:

“... there were 40 attacks against the media and journalists as of December 23, according to the NGO Intermedia. At least 13 journalists were killed and 40 abducted or arrested (only one arrest was reported after the PPP-led coalition took over the government). There were 118 cases of intimidation, and four attacks on media property. Approximately 89 journalists and media organizations had ongoing cases in court. During the year media outlets, journalists, and journalists’ families were the targets of attacks and intimidation by security forces, political parties, militants, and unidentified groups. Journalists were also abducted. Newspapers frequently criticized the government, political leaders, and military operations. Media outlets that did not self-censor were at times the targets of retribution.” [2k] (Section 2a)

- 16.11 The Freedom House report, Freedom in the World 2008 Country Report on Pakistan, noted that:

“The physical safety of journalists continues to be a matter of concern. On numerous occasions, security forces have subjected journalists to physical attacks, intimidation, or arbitrary arrest and incommunicado detention. In addition, Islamic fundamentalists and thugs hired by feudal landlords or local politicians harass journalists and attack newspaper offices. Conditions for reporters covering the ongoing unrest in the tribal areas are particularly difficult. A number of journalists were killed during the year, and family members of journalists continued to be targeted.” [19a]

- 16.12 The Human Rights Watch World Report 2009 stated that “Journalists continue to face pressure and threats from non-state actors and elements of Pakistan's intelligence apparatus, but there has been a marked decrease in government-sponsored attacks since Musharraf was forced to step down. The elected government revoked sweeping curbs on the media put in place by Musharraf..” [13a] (**Freedom of expression**)

- 16.13 Reporters Without Borders [Reporters Sans Frontières – RSF] 2008 annual report on Pakistan, released on 13 February 2008, noted that in 2007:

“Six reporters were killed, nearly 250 arrested and more than 100 incidents were recorded of threats and physical assault. The brutality came from all sides: the army, Islamists, political militants and local organised crime... The government in June promulgated the PEMRA [Pakistan Electronic Media Regulatory Authority] Amendment Ordinance 2007 to boost the regulatory body's power of censorship and control over television stations and cable operators... On the day emergency rule was declared, Pervez Musharraf told PEMRA to halt broadcasts on all cable networks of all privately-owned regional and national TV stations, and in particular news channels. Only state-run PTV continued to broadcast... As the crisis surrounding the sacking of the president of the Supreme Court [Iftikhar Mohammed Chaudhry] gathered steam, journalists were frequently attacked and beaten up by the security forces... The few journalists who work in the tribal areas bordering Afghanistan, members of the Tribal Union of Journalists (TUJ), were targeted by the Taliban and their Jihadist allies, but also by the authorities... Pakistani security forces fighting separatism in Balochistan, in the south-west, secretly detained many civilians there, including journalists.” [23a]

- 16.14 A report by the International Federation of Journalists, ‘Emergency in Pakistan: Crisis Mission and Report,’ released on 24 January 2008, noted that: “Through 2007, seven media workers were killed, 13 were physically harmed (some very seriously), five were abducted or disappeared (one was released after 50 days) and many received direct threats. This represents a considerable deterioration over an already bad situation...” [21] (**Preface**)

- 16.15 The RSF and the Committee to Protect Journalists (CPJ) have reported a number of incidents of arrests, kidnapping, killing of and threats against journalists in Pakistan during 2008 (see the [RSF](#) and [CPJ](#) website sections on Pakistan). [RSF – 23b; CPJ – 22a]

See section 4: [Recent Developments](#)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials of the new administration were cooperative but only somewhat responsive to the groups' views.

“The government sought NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported they generally had good access to police stations and prisons.

“The HRCP investigated human rights abuses and sponsored discussions on human rights issues during the year. In November the HRCP reported that NGOs were subject to militant threats, particularly in Peshawar.

“The government permitted international non-governmental human rights observers to visit the country and generally cooperated with international governmental human rights organizations. The ICRC and many agencies of the UN had offices in the country, including UNHCR, UNICEF, and UNDP.

“On November 3 [2008], the government created the Ministry of Human Rights. Once part of the Ministry of Law and Justice, the new ministry became a distinct federal agency.” [2k] (Section 4)

- 17.02 On 22 March 2009, IRIN reported that:

“Insurgents in Pakistan's volatile Swat Valley in North West Frontier Province (NWFP) who recently made a peace deal with the government now want all NGOs to leave the area. ‘They come and tell us how to make latrines in mosques and homes. I'm sure we can do it ourselves. There is no need for foreigners to tell us this,’ Muslim Khan, a spokesman for Tehrik-e-Taliban Pakistan (TTP), told IRIN from Swat Valley...” The report also noted that “... the TTP was against polio vaccination, repeating unfounded allegations that the vaccine causes infertility.” [41g]

- 17.03 The Freedom House Freedom in the World 2008 Country Report on Pakistan, stated that the:

“Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that work on issues of female education and empowerment, and female NGO staff in general, have faced threats and attacks from Islamic fundamentalists, particularly in the north. Citing security concerns, the government has at times prevented aid groups from operating in Baluchistan, exacerbating the humanitarian situation there. Conditions for the NGO community worsened in November 2007, when Asma Jahangir and at least 50 other activists and members of the Human Rights Commission of Pakistan (HRCP) were detained and kept in prison. While many were released after several days,

some, including Jahangir, were subject to more stringent controls and prolonged periods of house arrest.” [19a]

- 17.04 IRIN reported on 2 June 2008 on the concern for the security of humanitarian aid workers following the kidnapping of a World Health Organisation (WHO) official in NWFP. The article noted:

“The issue of safety for humanitarian workers has already hampered access to communities most in need of help in various parts of Pakistan, particularly the NWFP and parts of the vast, southwestern province of Balochistan, which has faced a law-and-order problem for many years, aid workers say. NGOs have had to deal with a spate of attacks in Pakistan. At least seven NGOs in the NWFP were targeted in 2007, including CARE International, which has been engaged in relief work since the earthquake of October 2005 that killed at least 73,000. Attacks on the NGO's offices in Battagram and Allai in July and October 2007 led to CARE suspending some projects or leaving them to be implemented by local partners. The organisation also moved its offices from areas such as Allai. In February 2008, four workers died during an attack in Mansehra, NWFP, on the offices of the British NGO, PLAN, which then suspended its projects in Pakistan. There have also been attacks on polio teams, schools, teachers and others providing humanitarian help across the NWFP. NGOs have received threatening letters and edicts have been issued against them.” [41d]

- 17.05 The same article quoted Qari Shakeel, of the Tehrik-e-Taliban (Movement of Islamic Students) as saying “Apparently these NGOs come here to help us on different fronts, but their actual motives are different. They come here to protect and promote the interests of the West. They give our children toffees but actually they strive to distance them from our religion. This is not acceptable to us. So we are not going to let these people turn our children into infidels.” The report noted that the kidnapped WHO official was released 24 hours after his abduction. [41d]

- 17.06 The Amnesty International (AI) report, ‘Fatal erosion of human rights safeguards under emergency’, dated 23 November 2007, noted that during the state of emergency many human rights activists had been arrested. Though the Government had released over 5000 detainees on 21 November 2007, including human rights activists, Amnesty remained concerned about further arrests, and that there were many unreported detentions. AI reported, as did the Freedom House, Freedom in the World 2008 report (see paragraph 17.03 above), the arrests of 50 human rights activists and HRCP members in November 2007. [4d]

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18. CORRUPTION

18.01 In its 2008 Corruption Perceptions Index (CPI), Transparency International ranked Pakistan 134th in the world corruption ranking, out of 180 countries, giving it a CPI score of 2.5. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [76]

18.02 The USSD Report 2008 noted in its introduction that “Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem.” [2k] The same report added “The law imposes criminal penalties for official corruption; the government did not implement the law effectively in practice, however, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread... The Worldwide Governance Indicators of the World Bank reflected corruption was a severe problem.” [2k] (Section 3)

See Section 8: Security forces, subsection [Police](#)

18.03 The Freedom House Freedom in the World 2008 Country Report on Pakistan noted that:

“Corruption is pervasive at almost all levels of politics and government... Although Musharraf publicly stated after the 1999 coup that eliminating official corruption was a priority, the National Anti-Corruption Strategy approved in 2002 focused on politicians, civil servants, and businesspeople while virtually ignoring military and security personnel. Corruption charges are frequently used as a tool to punish opposition politicians or induce them to join the ruling PML-Q. However, after facing the threat of charges for many years, [the late former prime minister Benazir] Bhutto reached a deal with the government in late 2007 that involved the dropping of corruption charges against her prior to her return to the country. A National Reconciliation Ordinance, passed just ahead of the October presidential election, provided for an automatic withdrawal of all corruption cases filed against public officials prior to 1999.” [19a]

See also Section 9: Security Forces, subsection: [Police](#); and [Section 11: Judiciary, subsection Independence and Fair Trial](#)

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National Accountability Bureau (NAB)

18.04 The Freedom in the World 2008 Country Report on Pakistan stated that “A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau and established special courts to try corruption cases.” [19a]

18.05 The Homepage of NAB’s website, accessed on 12 July 2008, stated that:

“The National Accountability Bureau is Pakistan’s apex anti-corruption organization. It is charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement. It

operates under the National Accountability Ordinance-1999, with its headquarter at Islamabad. It has four regional offices in the provincial capitals and one at Rawalpindi. It takes cognizance of all offences falling within the National Accountability Ordinance (NAO).” [26]

- 18.06 The USSD Report 2008 noted that “Special accountability courts try corruption cases brought by the NAB, including defaults on government loans by wealthy debtors. The NAB has not targeted genuine business failures or small defaulters. Accountability courts were expected to try cases within 30 days. In accountability cases, there was a presumption of guilt.” [2k] (Section 1e)
- 18.07 *The News International* reported on 14 November 2008 that the NAB had dropped all cases of corruption against politicians, both in the ruling party and the opposition. [44d]

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19. FREEDOM OF RELIGION

OVERVIEW

- 19.01 The US State Department International Religious Freedom Report (USSD IRF Report) 2008, published on 19 September 2008, covering the period 1 July 2007 to 30 June 2008, stated in its introduction that Pakistan:

“...is an Islamic republic. Islam is the state religion and the constitution requires that laws be consistent with Islam. The Constitution states, ‘subject to law, public order and morality, every citizen shall have the right to profess, practice, and propagate his religion’; however, in practice the Government imposes limits on freedom of religion. Freedom of speech is constitutionally ‘subject to any reasonable restrictions imposed by law in the interest of the glory of Islam.’ The Government took some steps to improve its treatment of religious minorities... but serious problems remained. Law enforcement personnel abused religious minorities in custody. Security forces and other government agencies did not adequately prevent or address societal abuse against minorities. Discriminatory legislation and the Government’s failure to take action against societal forces hostile to those who practice a different faith fostered religious intolerance, acts of violence, and intimidation against religious minorities. Specific laws that discriminate against religious minorities include anti-Ahmadi and blasphemy laws that provide the death penalty for defiling Islam or its prophets. The Ahmadiyya community continued to face governmental and societal discrimination and legal bars to the practice of its faith. Members of other Islamic sects also claimed governmental discrimination. Relations between religious communities were tense. Societal discrimination against religious minorities was widespread, and societal violence against such groups occurred. Societal actors, including terrorist and extremist groups and individuals, targeted religious congregations.” [2i] (Introduction)

- 19.02 The same source stated that “The Government took steps to bolster religious freedom during the period covered by this report. In April 2008 the country signed the International Covenant on Civil and Political Rights, reflecting the renewed commitment of the democratic government to promote human rights, including religious freedom.” [2i] (Section II)

- 19.03 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that “Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and at times police refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity.” [2k] (Section 2c)

- 19.04 The United States Commission on International Religious Freedom Annual Report 2008 (USCIRF Report 2008), released 2 May 2008, stated:

“Sectarian and religiously motivated violence continues, particularly against Shi’a Muslims, Ahmadis, Christians, and Hindus, and the government’s response continues to be insufficient and not fully effective. A number of the country’s laws, including legislation restricting the rights of the Ahmadi community and laws against blasphemy, frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused.

Moreover, despite some minor improvements, Pakistan's Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments, including amputation and death by stoning, for violations of Islamic law. Finally, substantial evidence that the government of Pakistan has been complicit in providing sanctuary to the Taliban also mounted in the past year..." [53] (p162)

- 19.05 The same report noted that despite efforts by the Government since mid 2005 to register all religious schools (madrassas) and expel foreign students many "madrassas in Pakistan provide ongoing ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad." [53] (p163)

See also Section 24. [Children – Education – Madrassas](#)

- 19.06 The HRW World Report 2008, Pakistan, noted that "Legal discrimination and persecution on grounds...of religion continued in 2007...The Ahmadi religious community was a particularly frequent target of religious discrimination in 2007. Numerous blasphemy cases were registered against its members and scores were arrested" [13b]

See subsection below on [Ahmadis](#)

Demography

- 19.07 Based on the Pakistan's most recent census conducted in 1998 the USSD IRF Report 2008 recorded that:

"...approximately 97 percent of the population was Muslim. Groups comprising 2 percent of the population or less include Hindus, Christians, and others including Ahmadis. The majority of Muslims in the country are Sunni, with a Shi'a minority ranging between 10 to 20 percent. Parsis (Zoroastrians), Sikhs, and Buddhists each had approximately 20,000 adherents, while the Baha'i claimed 30,000. Some tribes in Baluchistan and North-West Frontier Province (NWFP) practiced traditional animist religious beliefs.

"Less than 0.5 percent of the population was silent on religion or claimed not to adhere to a particular religious group. Social pressure was such that few persons would claim no religious affiliation." [2i] (Section I)

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CONSTITUTION AND LEGISLATION

- 19.08 The USSD IRF Report 2008 stated that:

"The Constitution establishes Islam as the state religion. It also declares that adequate provisions shall be made for minorities to profess and practice their religions freely; however, in reality the Government imposes limits on freedom of religion, particularly on Ahmadis... Other religious communities were generally free to observe their religious obligations; however, religious minorities are legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, are often afraid to profess their religious beliefs freely." [2i] (Section II) The USCIRF Report 2008

observed that discriminatory legislation introduced in previous decades had fostered an atmosphere of religious intolerance and undermined the social and legal status of religious minorities, including members of the Shia, Ahmadi, Hindu and Christian communities. The report also noted that “Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and perpetrators of attacks on minorities are seldom brought to justice.” [53] (p163)

- 19.09 The USSD Report 2008 added “The constitution stipulates the president and the prime minister must be Muslim. The prime minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims), must take an oath to ‘strive to preserve the Islamic ideology,’ the basis for the creation of the country.” [2k] (Section 2c)

Blasphemy Laws

- 19.10 The Parliamentary Human Rights Group report ‘Rabwah: A Place for Martyrs?’ (PHRG Report 2007), published in January 2007, provided a tabulated summary of the blasphemy laws and the penalties for breaching them:

Pakistan Penal Code	Description	Penalty
298a	Use of derogatory remarks etc., in respect of holy personages	Three years’ imprisonment, or fine, or both
298b	Misuse of epithets, descriptions and titles etc., reserved for certain holy personages or places, by Ahmadis	Three years’ imprisonment and fine
298c	An Ahmadi, calling himself a Muslim, or preaching or propagating his faith, or outraging the religious feelings of Muslims, or posing himself as a Muslim	Three years’ imprisonment and fine
295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to two years’ imprisonment or fine, or both
295a	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs	Up to 10 years’ imprisonment, or fine, or both
295b	Defiling, etc., of Holy Quran	Imprisonment for life
295c	Use of derogatory remarks, etc; in respect of the Holy Prophet	Death and fine

[51] (p10, Section 2.3, Blasphemy Laws and First Information Reports)

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- 19.11 The USSD IRF Report 2008 noted that “Freedom of speech is subject to ‘reasonable’ restrictions in the interests of the ‘glory of Islam’.” The same report observed that while the blasphemy laws were supposed to protect all religions, where the feelings of a religious minority were insulted, the legislation was rarely enforced and cases only occasionally entered the legal system. [2i] (Section II)
- 19.12 The same source also noted that:
- “Public pressure routinely prevented courts from protecting minority rights. These same pressures forced justices to take strong action against any perceived offense to Sunni orthodoxy. Discrimination against religious minorities was rarely placed before the judiciary. According to several NGOs, cases against Christians and Ahmadis continued to grow during the reporting period; however, the judiciary, even at the lower levels, acted in a more judicious manner in dealing with these cases as compared with previous reporting periods. NGOs reported that cases against both the local Christian and Hindu communities continued but to a lesser degree, and that social discrimination remains at high levels. There was generally a long period between filing the case and the first court appearance. Lower courts were frequently intimidated, delayed decisions, and refused bail for fear of reprisal from extremist elements. Bail in blasphemy cases was usually denied by original trial courts, arguing that since defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail was often not granted in advance of the trial.” [2i] (Section II)
- 19.13 The USSD IRF Report 2008 stated that the blasphemy laws were “...routinely used... to harass religious minorities and vulnerable Muslims and to settle personal scores or business rivalries.” The same source observed that the “Authorities detained and convicted individuals on spurious charges. Judges and magistrates, seeking to avoid confrontation with or violence from extremists, often continued trials indefinitely.” [2i] (Section II: Status of Religious Freedom)
- 19.14 Reporting on the issue of the changes introduced to the blasphemy laws in 2005, the USSD Report 2008 observed that:
- “...the president signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. According to human rights and religious freedom groups, however, this process was not effective because senior police officers did not have the resources to review the cases. In 2007 courts convicted two individuals and acquitted two others under the blasphemy laws; 71 cases were ongoing at the end of the year.” [2k] (Section 2c) On the same matter the USCIRF Report 2008 commented that “Although the penalties were amended in October 2004 with the aim of reducing the more maliciously applied charges, the minor procedural changes have not had a significant affect on the way the blasphemy laws are exploited in Pakistan.” [53] (p165)
- 19.15 The USCIRF Report 2008 report also noted that:
- “The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public

threats about the consequences of an acquittal. Such threats have proven credible, since the threats have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country.” [53] (p165)

- 19.16 There were 41 new blasphemy cases reported in the year July 2006 and June 2007 (USSD IRF 2007) [2f] (Section II) and a total of 53 between July 2007 and June 2008. During this period the “...authorities arrested at least 25 Ahmadhis, 11 Christians, and 17 Muslims on blasphemy charges. Many remained in prison at the end of the reporting period. The National Commission for Justice and Peace (NCJP) stated that ‘Generally we do not request bail because of security. Blasphemy suspects are often safest in prison under police protection’.”(USSD IRF Report 2008) [2i] (Section II: Status of Religious Freedom)

- 19.17 The Freedom House Freedom in the World 2008 Country Report on Pakistan recorded that:

“Instances of low-ranking police officials being bribed to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims continue to take place... To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released. In an attempt to limit abuse of these laws, an amendment was enacted in 2005 requiring that a senior police officer investigate such charges. This led to a significant reduction in new blasphemy cases, according to the U.S. State Department's Report on International Religious Freedom, with several dozen cases being reported each year. [See contrasting reports on this latter point in paragraph 19.18 above]” [19a]

See section 11, sub-section [Blasphemy Laws](#)

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Legal procedure for blasphemy charges

- 19.18 The Foreign and Commonwealth Office (FCO) consulted the National Commission for Justice and Peace (NCJP), a Christian-based human rights organisation in Pakistan, on the procedures for bringing a blasphemy charge against an Ahmadi. A legal expert at the NCJP gave the following responses, dated 2 October 2008, to questions asked by the UK Border Agency (UKBA):

“**UKBA:** What is the procedure for an individual to initiate a complaint against an Ahmadi (or any other person) directly with a Magistrates' court?

“**NCJP:** Anyone aggrieved [sic] by some illegal action or privy to information about a crime can register a complaint (FIR) [First Information Report] with the police. In case there is no crime, or the police happen to be the first... [to] know, the police can become a complainant too.

"If the police refuse to register a FIR on a complaint, the district and sessions judge (not a magistrate) can order [a] registration of a FIR under article 199 of the constitution / section 154 of criminal procedure code, which is the prosecution['s]... [account] to be substantiated [sic] by inquiry / investigation report. 'Challan' is the formal charge framed in a court.

"Section 196 of the criminal procedure code makes the registration of certain FIRs hard, requiring an inquiry by a senior police officer (in case of Section 295 b and c, a suprintendant [sic] [this sections relate to defiling the Koran and making derogatory remarks against the 'prophet' respectively])

"This is the law however in case of blasphemy allegations, we have seen... [the law] violated and procedures ignored on one pretext or the other.

"UKBA: Once such a complaint has been lodged, what procedure does the court follow, and what are the timescales for such actions?

"NCJP: The charge is framed, [the] accused can deny [the charges]... [then the] standard procedure... [for] evidence, witnesses, cross examination takes place - if the offense is bailable the court may also grant bail whenever requested. [This is followed by]... the judgement, [and an] appeal against the verdict if felt necessary.

"298-c, however, is non-bailable unless the accused can successfully contest that the offense is unfounded or cannot be substantiated. This can happen at investigation or trial.

"UKBA: Who is the court permitted to release documents to with regard to such a complaint?

"NCJP: All parties to the case have the right to acquire documents from any court of law, even the press can manage [to obtain] the copies of FIRs and decisions." [11i]

See also [Section 12: Arrest and Detention – Legal Rights](#)

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Hudood Ordinances

19.19 The USSD IRF Report 2008 observed "[that] the Hudood Ordinances... criminalizes rape, extramarital sex, property crimes, alcohol, and gambling." The report noted that they apply equally to Muslims and non-Muslims and that "If Qur'anic standards are used, Muslim and non-Muslim and male and female testimony carry different weight." [2i] (**Section II: Status of Religious Freedom**)

19.20 The USSD IRF 2006 stated that no successful cases had been brought under Qur'anic standards, with potentially harsh punishments, although:

"...cases have been successfully prosecuted under secular standards, in which testimony has equal weight, and jail terms and fines have been applied. In January 2005, the Government adopted new legislation requiring a court order prior to detention of women on Hudood charges. Approximately 246 women were imprisoned under the Hudood Ordinances as of the end of the

reporting period [September 2006]...President Musharraf ordered the release of all women imprisoned under the Hudood Ordinances at the end of the reporting period.” [2a] (Section II: Status of Religious Freedom)

- 19.21 On 1 December 2006 President Musharraf signed into law the Women’s Protection Act. The law “...moved cases of rape and adultery to the secular rather than Shari’a courts. Previously the Hudood Ordinances... often relied on harsh and discriminatory Qur’anic standards of evidence and punishment, which apply equally to Muslims and non-Muslims.” (USSD IRF Report 2008) [2i] (Section II: Legal/Policy Framework)

See section 11 on Hudood Ordinances and section 23: Women, subsection Women’s Protection Act (and the Hudood Ordinances)

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Anti-terrorist laws

- 19.22 The USSD IRF Report 2008 recorded “Under the Anti-Terrorist Act, any action, including speech, intended to incite religious hatred is punishable by up to 7 years of imprisonment. Under the act, bail is not to be granted if the judge has reasonable grounds to believe that the accused is guilty; however, the law is applied selectively.” The same report further noted that under the Anti-Terrorist Act, “the Government banned the activities of and membership in several religious extremist and terrorist groups” but despite this “many of the groups that the Government banned remained active.” [2i] (Section II: Legal/Policy Framework)

See also Section 11: Judiciary, subsection Anti-Terrorist Act and Courts

Apostasy

- 19.23 As stated in the USSD IRF Report 2006 “There was no law against apostasy; however, societal pressure against conversion from Islam was so strong that any conversion almost certainly would take place in secret.” [2a] (Section II)
- 19.24 A response regarding apostasy to the UK Border Agency from the Foreign and Commonwealth (FCO) Office British High Commission in Pakistan, dated 9 January 2009, stated that although apostasy was not illegal, people who change their faith are regularly charged with blasphemy and insulting Islam. The FCO noted that “This is usually when a conversion is made to an entirely separate religion (e.g. becoming Christian). Arguably a Sunni Muslim becoming Shia is a conversion of belief within a single religion and we are not currently aware of examples of blasphemy legal proceedings against Shias by Sunnis.” [11d]
- 19.25 On 9 May 2007, Asianews reported that a draft bill on apostasy had been adopted in its first reading by the National Assembly and had been put before a parliamentary standing committee for consideration. The article stated that “Tabled by a six-party politico-religious alliance, the Muttahida Majlis-i-Amal or MMA, the Apostasy Act 2006 which the government sent to the committee would impose the death penalty on Muslim men and life in prison on Muslim women in case they leave Islam. It would also force them to forfeit their property and lose legal custody of children.” [54] The COI Service is not aware, at the time of writing (February 2009), that the bill has progressed through the

Pakistan parliament. However the USCIRF Report 2008 noted that “Significantly, the representation of Pakistan’s coalition of militant religious parties, ...Muttahida Majlis-e-Amal (MMA), fell from 56 elected seats out of 272 to just six in the new parliamentary assembly.” [53] (p162)

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INTER-FAITH MARRIAGE

- 19.26 In correspondence dated 24 June 2008, the FCO British High Commission (BHC), Islamabad, stated that in Islam a Muslim woman and a non-Muslim man cannot marry. If such a couple were to have a child, that child would be considered illegitimate on the grounds that the parents would not, and could not, be legally married. Should a Muslim woman marry a non-Muslim it would be considered adultery. The BHC went on to say that the Islamic punishment for adultery is stoning to death although in reality the penalty would be at least a lengthy prison sentence and “considerable social stigma”. [11h]
- 19.27 International Christian Concern (ICC) reported, in an article dated 6 June 2008, of the death threats received by a Muslim man from Muslim extremists because he had acted as a witness in a marriage between a Christian man and Muslim woman. The witness was accused of participating in an “un-Islamic activity” and a fatwa was issued against him by the head of the local mosque. ICC stated that “In Muslim societies, the father determines what religion the children will be, and so the marriage of a Christian man to a Muslim woman is a severe affront to Islam. On the other hand, Muslims have no problem if a Muslim man marries a Christian woman. This lack of reciprocity is designed to guard Islam from other religions...” [43]
- 19.28 The Centre for Legal Aid, Assistance and Settlement, a Christian support organisation based in Lahore, stated in an undated article that if a Muslim woman married a Christian man it would be against the “pride and honor” of the Muslim woman’s family. The article stated that the family would take the ‘offence’ “...very seriously, and if the couple go into hid[ing] the [family will] search [for] them, find them and kill both including the family of that Christian boy. They also charge the boy/man and his family for abduction of their daughter and try to get them behind bars.” [46]

See also Section 23: [Women](#)

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FATWA

- 19.29 A Canadian Immigration and Refugee Board (IRB) Response to Information Request (RIR) dated 20 November 2007 provided a definition of a fatwa (plural fatawa) as “...an ‘advisory opinion’ issued by a mufti in response to a questioner...A mufti is an authority on Islamic law and tradition, who functions independently from the judicial system...Other sources indicate that a mullah [i.e., a religious cleric or a person with religious education]...may also be able to issue fatawa...”. The same source, citing a professor of Islamic Studies at Emory University, Georgia, stated that “A fatwa...is a non-binding interpretation or ruling by a mufti. It is an opinion. A fatwa does not have an executive branch to carry out the ruling’.” [12k]

19.30 The IRB response added that:

“Fatawa address legal and religious issues...as well as matters of everyday life...They can reportedly range in length from single word responses, such as ‘yes’ or ‘no,’ to ‘book-length treatises’...According to the Professor of Islamic Studies, fatawa, or rulings on a question, can differ by Muslim schools of law... There are three Shia schools of law and four Sunni schools of law... Although all these schools of law argue from the Quran, each has its own fatwa tradition and historical precedents that can make their rulings different from one other. The Professor of Islamic Studies further stated that the issuance of fatawa is ‘very dynamic’ and that rulings on the same question may differ by individual fatwa requester (i.e., because of different circumstances, etc.)...There are reportedly ‘hundreds’ or even ‘thousands’ of fatawa issued on a daily basis in Muslim countries...” [12k]

19.31 With regard to the impact of fatwa the IRB report observed:

“The influence of a fatwa reportedly depends on the stature of the person who issues it...It is also said to depend on the popularity and/or the practicality of the fatwa... According to the Professor of Islamic Studies, a person who asks for a fatwa can follow the interpretation or ruling, but is not obligated to do so; he or she may go to another mufti for a different ruling. The University of Toronto Professor of Law similarly indicated that a fatwa is an opinion with no legal standing and that it is up to an individual to decide whether he or she wants to ignore it or take it seriously...According to the Professor of Islamic Studies at Emory University, when a fatwa runs against the interests of government, then it can be declared invalid by the state (e.g., if a fatwa is issued by an ‘extremist’ group). He noted that certain fatawa are resisted by the government because they are found to be ‘unhelpful for political leaders’.... However, the Professor stated... ‘[g]enerally, a fatwa represents the interest of a specific group (e.g., a moderate or ‘extremist’ group). Even though a fatwa may not be recognized by the government, the group that issued it takes it seriously. In such a case, a fatwa issued against an individual can be just as dangerous as if it were government action against the individual’.” [12k]

19.32 In another RIR dated 11 January 2008, the IRB recorded the following information provided to them by the Chairman of the Government of Pakistan's Council of Islamic Ideology:

“[I]n Pakistan, [the] issuance of fatwa is not organized by the state. It is privately managed by different institutions. As far as religious official institutions are concerned, there are ministries of Religious Affairs in the centre and also in provinces but they are not fatwa organizations. The Council of Islamic Ideology is a constitutional body which advises the government on Islamic legislation but it also does not issue fatwa. There is no official organization for [the] issuance of fatwa in Pakistan nor is there any official format of fatwa. The government does not publicize any fatwa because there is no official fatwa institution or an official Mufti.” [12d]

19.33 The same RIR continued:

“Fatwas are issued privately by various scholars in whom the people have trust. The common practice is that a number of religious teaching institutions

(Madrasas) have organizations of fatwa under their supervision. There are also individual scholars who issue these fatwas. However, there is no process of official recognition of any mufti or fatwa. The people consult these institutions and individuals on the basis of their knowledge and reputation.

“It is difficult to define the reach of a fatwa because the acceptability of [a] fatwa does not depend on official recognition or organization. The reach of [a] fatwa depends on personal recognition. It also depends on [the] religious group to which the inquirer of the fatwa belongs.

“The Government of Pakistan [has] no control over the issuance of fatwa[s]. There [is] no legislation for organizing or controlling the fatwa. According to the theory of fatwa, a fatwa is not binding. It is not synonymous with legal judgment. A person may ask fatwa on the same question from several scholars. A mufti is allowed to revoke his fatwa under several circumstances, including new information, on realizing his mistake in the interpretation of the sources or finding new evidences. The corrected fatwa is issued with a note explaining the circumstances.” [12d]

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VOTING RIGHTS

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

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

- 19.35 The report continued:

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

- 19.36 The Legal Framework Order (LFO) 2002 altered article 51 of the Constitution so that ten seats in the National Assembly were reserved for non-Muslims (including Christians, Sikhs, Hindus, Parsis and Ahmadis). The LFO also

amended article 106 of the constitution so that the Provincial Assemblies would have seats reserved for non-Muslims: three seats in both Balochistan and NWFP, eight in Punjab and nine in Sindh (though Ahmadis were not entitled to reserved representation in Baluchistan). (National Reconstruction Bureau; Legal Framework Order 2002, 21 August 2002) [29]

- 19.37 The ACHR South Asia Human Rights Violator Index 2008 recorded that:

“Religious minorities have been systematically excluded from the new voters list released by the Election Commission of Pakistan on 12 June 2007. The list placed Ahmadis on a separate discriminatory list. In July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters had been excluded from the new voters’ list. About 18 per cent of eligible voters belonging to a minority group have been struck off from the new voters’ list in North West Frontier Province.” [67b] (p73)

- 19.38 The USSD IRF Report 2008 observed, in regard to Ahmadis, that:

“The Government designates religious affiliation on passports and requests religious information in national identity card applications. Citizens must have a national identity card to vote. Those wishing to be listed as a Muslim must swear to believe that Prophet Muhammad is the final prophet and denounce the Ahmadiyya Movement's founder as a false prophet and his followers as non-Muslims, a provision designed to discriminate against Ahmadis. Before the 2002 general elections, President Musharraf abolished the requirement to take this oath, but he later reversed his decision, resulting in an election boycott by the Ahmadiyya community. Initial voter registration no longer requires such an oath, but the Election Commission claimed that any Muslim registrant whose religious beliefs were challenged by the public would have to take the oath. As a result, Ahmadis continued to boycott the elections. No new policies based on religion were made for the February 2008 elections.” [2i] (Section II)

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AHMADIS

Background

- 19.39 The website Encyclopaedia.com entry on the ‘Ahmadiyya’ or Ahmadi movement, dated 2008, accessed 1 June 2008, stated it is:

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

“After his death, his followers elected Mawlana Nur ad-Din as his successor. Nur ad-Din died in 1914, and the community split into two branches. The majority remained in Qadiyan and recognized Ghulam Ahmad as prophet (nabi). The basic belief held by the Qadiyani community was and is that it is the sole embodiment of ‘True Islam.’ The founder’s son, Hadhrat Mirza Bashir ad-Din Mahmud Ahmad (1889-1965), was chosen as Khalifatul-Masih [caliph of the Messiah] by the Qadiyani branch, known today as the Ahmadiyya Movement in Islam (jamaat-i ahmadiyya). His half-century of leadership shaped the movement, operating after 1947 out of the city of Rabwah (which they founded and gave a Qur’anicly inspired name) in Pakistan and administering a network of schools and hospitals. His successors have been chosen from among Ghulam Ahmad’s descendants; the leader of the movement (since 2003) is Mirza Masroor Ahmad (b. 1950).

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

19.40 The same source noted that:

“Orthodox Islam has never accepted Ghulam Ahmad’s visions, and Ahmadis in Pakistan have faced religious and political attacks to the extent that they have been declared apostate and non-Muslim by the country’s religious and political elite. A 1984 Pakistani government decree banned the use of Islamic forms of worship by Ahmadis, and the fourth Khalifatul-Masih went into exile in London until his death in 2003. The most widely cited figure for membership in the Ahmadiyya Movement in Islam is 10 million, although this figure dates to the 1980s; current official movement figures are significantly higher.” [8]

19.41 A comparative study of the Lahore Ahmadiyya Movement and Qadiyani or Ahmadiyya Movement stated that the Qadiyani Ahmadis believe, unlike mainstream Islam which believes in the finality of the prophethood, that a prophet can come after Mohammed and Mirza Ghulam Ahmad was such a prophet. However the Lahore group claim to believe that Mirza Ghulam Ahmad was not a prophet but a Mujaddid (Reformer), and this, amongst a number of other differences, distinguishes them from the Ahmadiyya Movement. (Lahore Ahmadiyya Movement for the Propagation of Islam, accessed 6 March 2008) [9]

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Demography and distribution

19.42 Official figures obtained from the last Pakistan census conducted in 1998 recorded that Ahmadis represented 0.22% (Population Census Organisation) [58b] of the total Pakistan population (at that time) of 132,325,000 (Population Census Organisation) [58a] – approximately 291,000 people. The USSD Report 2008 reported a figure of more than two million adherents [2k] (Section 2c) while the USCIRF Report 2008 stated that there were between 3 to 4 million Ahmadis in Pakistan. [53] (p164)

- 19.43 The USSD IRF Report 2006 noted that the Ahmadi population was centred around Rabwah [2a] (Section I), which has a population, based on official government figures, of about 70,000. (Parliamentary Human Rights Group (PHRG) Report, January 2007) [51] (p2, Section 1, Introduction)

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Legislation discriminating against Ahmadis

- 19.44 The USCIRF Report 2008 observed that Ahmadis were:

“...prevented by law from engaging in the full practice of their faith. Pakistan’s constitution declares members of the Ahmadi religious community to be ‘non-Muslims,’ despite their insistence to the contrary. Barred by law from ‘posing’ as Muslims, Ahmadis are also proscribed by law from many other actions. They may not call their places of worship ‘mosques,’ worship in non-Ahmadi mosques or public prayer rooms which are otherwise open to all Muslims, perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Koran, or display the basic affirmation of the Muslim faith. It is also illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, and disseminate their religious materials.” [53] (p164)

- 19.45 The USSD IRF Report 2008 recorded that “Specific laws that discriminate against religious minorities include anti-Ahmadi and blasphemy laws that provide the death penalty for defiling Islam or its prophets...” [2i] (Introduction) The report added:

“A 1974 constitutional amendment declares Ahmadis to be non-Muslim. Section 298(c), commonly referred to as the ‘anti-Ahmadi laws,’ prohibits Ahmadis from calling themselves Muslims, referring to their religious beliefs as Islam, preaching or propagating their religious belief, inviting others to accept Ahmadi teachings, or insulting the religious feelings of Muslims. The punishment for violation of the section is imprisonment for up to 3 years and a fine...” [2i] (Section II)

- 19.46 The same source stated that:

“Ahmadiyya leaders claimed the Government used regular sections of the Penal Code against their members for religious reasons. Authorities often accused converts to the Ahmadiyya community of blasphemy, violations of the anti-Ahmadi laws, or other crimes. The Government used anti-Ahmadi laws to target and harass Ahmadis. The vague wording of the provision that forbids Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against Ahmadis for using the standard Muslim greeting and for naming their children Muhammad... Since 1983 Ahmadis have been prohibited from holding public conferences or gatherings, and been denied permission to hold their annual conference. Ahmadis were banned from preaching and were prohibited from traveling to Saudi Arabia for the Hajj or other religious pilgrimages. Ahmadiyya publications were banned from public sale, but they published religious literature in large quantities for a limited circulation.” [2i] (Section II)

See also sub-sections above on [Blasphemy Laws](#) and [Voting rights](#)

Passports and ID cards

- 19.47 The USSD IRF 2008 Report observed that “The Government designates religious affiliation on passports and requests religious information in national identity card applications. Citizens must have a national identity card to vote.” [2i] (Section II) However, “Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith.” (USSD Report 2008) [2k] (Section 2c) and because of “... the passport requirement to list religious affiliation and denounce the Ahmadi prophet, Ahmadis were restricted from going on the Hajj, because they were unable to declare themselves as Muslim.” (USSD IRF 2008) [2i] (Section II)

See also subsection on [Voting Rights](#) above and Section 31: Citizenship and Nationality, subsection [National identity cards](#)

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Khatme Nabuwaat

- 19.48 The PHRG (Parliamentary Human Rights Group) Report, dated January 2007 reported on a meeting with the Khatme Nabuwaat (Committee to Secure the Finality of Prophethood) in Rabwah. The report observed:

“...members of the Islamabad Chapter of Khatme Nabuwat informed the mission that it is Khatme Nabuwat’s belief that no Prophet can come after Mohammed as he is the final Prophet. Anyone who claims otherwise is an infidel and their claim is false, baseless and a crime. Khatme Nabuwat’s mission is therefore to spread understanding of the finality of the Prophet through preaching and books. The source insisted that they have mutual respect for all, including Ahmadis, as humans. However, Ahmadis should not assert themselves to be Muslim because they do not believe in the laws of the Prophet....the purpose of Khatme Nabuwat is to act against those who do not accept the finality of the prophet, to contradict them and to invite them to rejoin the faith.... this role means that the focus of Khatme Nabuwat is on Ahmadis in particular. According to Khatme Nabuwat (Islamabad Chapter) the movement against Ahmadis started when members of the Muslim community were attacked by Ahmadis at Rabwah railway station in 1974: the source told the mission that ‘Ahmadis were terrorists, and they are terrorists today.’” [51] (p8, Section 2, The role of Khatme Nabuwat (Committee to Secure the Finality of the Prophethood))

- 19.49 The same source also noted that representatives of the Ahmadi community in Rabwah stated that members or supporters of the Khatme Nabuwaat were the principal attackers of Ahmadis and their property in Rabwah. [51] (p8 Section 2, The role of Khatme Nabuwat (Committee to Secure the Finality of the Prophethood))
- 19.50 On 27 May 2008, *The News International* reported on a Khatme Nabuwaat conference, held on 26 May 2008. The article noted that “The conference was organised by the International Khatm-e-Nabuwat Movement (IKNM) to mark the hundred years of successful countering of the menace of Qadiyaniat [Ahmadi teachings] and to expose the conspiracies against Islam.” The same

source recorded that “Resolutions passed at the conference demanded that all attempts to change the Islamic character of the Constitution must be stopped, punishment of renegades should be fixed as per Islamic Shariah, Qadiyani Auqaf [endowments and charities] should be confiscated and their periodicals should be banned, Qadiyanis [Ahmadi’s] at key posts in civil and military bureaucracy should be dismissed...” *The News International* further noted that a Khatme Nabuwaat TV channel was due to be launched to “counter Qadiyanis’ activities.” [44b]

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Violence and discrimination against Ahmadis

- 19.51 The Human Rights Watch Report 2009 stated that during 2008 Ahmadis continued to be targeted. The source added “Blasphemy cases were registered against Ahmadis in 2008 and two members were murdered in the province of Sindh after Dr. Aamir Liaquat Hussain, a popular religious talk-show host on Geo TV, declared Ahmadis appropriate targets for murder under Islamic law.” [13a] **(Discrimination)** On the subject of Dr Hussain’s declaration, the USSD Report 2008 added “The Pakistan Medical Association called for official investigations into the case, but as of year’s end, the government continued to stall investigation into the deaths. Local media and human rights organizations condemned the Geo program for inciting sectarian violence.” [2k] **(Section 1a)**
- 19.52 On 30 June 2008, the Human Rights Commission of Pakistan (HRCP) reported that a First Information Report (FIR) was lodged on 8 June 2008 against thousands of Ahmadi residents of Rabwah. The FIR followed official celebrations of the Ahmadi community that were held across Pakistan, especially in Rabwah. The FIR stated that “... every person of every locality of the community was seen involved in these celebrations with fire works, lighting their places, and greeting each other (which is amounted to preaching of their faith, a crime according to a controversial law of the country).” [27d]
- 19.53 The Ahmadi community claimed that 45 Ahmadis faced criminal charges religious laws or because of their faith in the period July 2007 to June 2008 (USSD IRF 2008) [2i] **(Section II)** compared to 28 between July 2006 and June 2007. (USSD IRF 2007) [2f] **(Section II)**. Of those facing charges between July 2007 and June 2008, 7 were under the blasphemy laws, 23 under Ahmadi-specific laws, and 15 under other laws but motivated by their Ahmadi faith. At least 25 Ahmadis were arrested on blasphemy charges in the period July 2007 to June 2008. (USSD IRF 2008) [2i] **(Section II)**
- 19.54 The USSD IRF 2008 continued:
- “At the end of the reporting period [1 July 2007 – 30 June 2008], four Ahmadis were arrested on blasphemy charges; one was in prison, and three others were out on bail. The Ahmadiyya community claimed these were falsely brought due to their religious beliefs. Fifteen more criminal cases, ranging from killings to destruction of property, were filed against prominent members of the Ahmadiyya community during the reporting period. The cases remained unprosecuted, and the accused were allowed to post bail.” [2i] **(Section II)**

- 19.55 The website www.thepersecution.org, 'Persecution of the Ahmadiyya Muslim Community', representing the concerns of the Ahmadiyya community in Pakistan, accessed 13 April 2009, reported in its Year 2008 Summary, Persecution of Ahmadis in Pakistan during 2008, that six Ahmadis were murdered in that year. [60a] (Ahmadi's murdered – for their faith) The same source also stated that between 1984 and December 2008 there had been 94 Ahmadis killed and 108 attempts of murder of an Ahmadi. [60a] (Annex II, Summary of other violations) However the USSD Report 2006 provided different statistics on the numbers of Ahmadis killed, and observed that "The Ahmadi community claims that 171 of their members have been killed since 1988 and that the government made little effort to bring those responsible for these and other acts of sectarian violence to justice or to provide protection for the targets or their families." [2b] (Section 1)
- 19.56 In its Year 2008 Summary, the website, www.thepersecution.org, accessed 13 April 2009, listed the number of criminal cases brought against Ahmadis from April 1984 to 31 December 2008. The list included 434 cases of Ahmadis booked for 'posing as Muslims', 679 booked for preaching and 258 charged under the "Blasphemy Law", i.e. PPC 295-C." The summary cited, in total, 3,636 cases of Ahmadis being booked or charged on religious grounds. In addition, the report also noted that the entire population of Rabwah (more than 60,000 people) was booked under 298-C of the Penal Code on 8 June 2008. [60a] (Annex II, Updated Summary of the Police Cases, April 1984 to 31 Dec 2008))
- 19.57 In a report to the UN Committee Against Racial Discrimination, 'Pakistan: The Land of Religious Apartheid and Jackboot Justice', published August 2007, the Asian Centre for Human Rights (ACHR) stated "On 26 January 2007, police reportedly registered cases against five Ahmadi children... under Section 17 of the Maintenance of Public Order Ordinance in Chora Kalan police station in Khushab district for subscribing to Jamaat-e-Ahmadiya's monthly children's magazine *Tasheezul Azhan*." [67a] (p5: Persecution under blasphemy laws)
- 19.58 The USSD IRF 2008 also noted that Ahmadis faced restrictions on establishing places of worship and the authorities "continued to conduct surveillance on Ahmadis and their institutions. Several Ahmadiyya mosques reportedly were closed; others reportedly were desecrated or had their construction stopped." All minorities claimed to have experienced discrimination in recruitment for government jobs, but the Ahmadis particularly suffered and "... contended that a 'glass ceiling' prevented them from being promoted to senior positions and that certain government departments refused to hire or retain qualified Ahmadis." [2i] (Section II)
- 19.59 In addition, the USCIRF Report 2008 noted that:
- "In September 2007, the Ahmadis in Rahim Yar Khan in the southern part of the Punjab province reported nine cases of serious harassment of members of the Ahmadi community; in one incident, clerics reportedly demanded the dismantling of the Ahmadi mosques in the area and passed an edict punishing Muslims for maintaining contacts with Ahmadis. In some of these cases, police were reportedly intimidated against investigating violence or other action against Ahmadis... As far as is known, there has never been an effort on the part of any Pakistani government to institute any reform of the anti-Ahmadi laws." [53] (p164)

- 19.60 In interviewing Ahmadi Community Representatives in Rabwah, members of the Parliamentary Human Rights Group (PHRG) Report, January 2007, identified that first information reports [charge/allegation reported to the police] brought against Ahmadis were registered by three main sources, "those lodged by members of Khatme Nabuwwat, those precipitated by police or government intervention, and those used to settle personal rivalries or enmity." [51] (p12, Section 3, Potential Risk Factors Faced by Ahmadis in Rabwah)
- 19.61 Members of the PHRG were informed by the Ahmadi Community Representatives that they could not look to the police or the Courts for protection in Rabwah and were unable to give an example, to the PHRG mission, of the police having provided protection to an Ahmadi in Rabwah. The report further noted that:
- "The mission were informed that the state provides no protection to senior Ahmadi figures or mosques at Rabwah, except for a symbolic presence at the central mosque at Friday prayers. The Representatives described how during the Khatme Nabuwwat conference in Rabwah the police line the streets and look on as Khatme Nabuwwat members march through the town, chanting 'filthy, dirty slogans' and vandalising Ahmadi property... The Ahmadi Community Representatives concluded that if someone fled to Rabwah fearing attack in their home area there would be no police protection available to them. Indeed, the police are seen by the community as actively protecting the Mullahs and their followers." [51] (p21, Section 4.2, State protection)
- 19.62 The PHRG members consulted other sources and similar views were expressed:
- "Faiz ur Rehman, President, Amnesty International Pakistan stated that nowhere, including Rabwah, is safe for Ahmadis as the police would refuse to give protection to an Ahmadi. When asked if the police might react differently in Rabwah to elsewhere in Pakistan, Mr Rehman explained that whilst it is not impossible, it has not happened. He explained that... even relatively senior and educated local police officers find that their hands are tied by their superiors when dealing with Ahmadi cases." [51] (p21, Section 4.2, State protection)
- 19.63 The USSD IRF 2007 Report observed that:
- "Ahmadi individuals and institutions long have been victims of religious violence, much of which organized religious extremists instigated. Ahmadi leaders charged that in previous years militant Sunni mullahs and their followers staged sometimes violent anti-Ahmadi marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence. In contrast with the previous report, there were no such reports during this reporting period." [2f] (Section II)
- 19.64 On the subjects of internal relocation and Rabwah the UNHCR letter of 13 April 2005 commented:

“While an internal relocation alternative may be viable in some circumstances, particularly for low-level members of the community, relocation may only be a temporary solution given the ease with which Ahmadi affiliation can be detected. This is because Ahmadis cannot, for example, attend the same mosques as majority Muslims and cannot register as Muslims for political/official purposes. Ahmadis therefore remain somewhat visible within Muslim communities, especially within small communities. Due to the efforts of groups such as Khatme Nabuwat [Nabuwaat], a general intolerance for Ahmadis exists throughout Pakistan such that large numbers of agitators can be raised and catalysed in a short time, in any area of the country.” [20a] (p3)

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

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Societal discrimination

- 19.66 The PHRG report 2007, considering the social context of the Ahmadis, reported that:

“The HRCP [Human Rights Commission of Pakistan] note that there is a class or economic element motivating this [poor] treatment of Ahmadis, pointing out that the Hindu community, who belong to a low economic class, receives relatively little popular attention and low levels of discrimination. The Ahmadis, however, tend to be an educated and successful community whose members have historically risen to important positions in government and civil society. Today, Ahmadis are prevented from accessing senior employment in state defence or civil institutions. Faiz ur Rehman (President of Amnesty International Pakistan) described the situation in similar terms: prior to 1974 there had been a large number of Ahmadis in senior positions in the Pakistan administration. This is now no longer the case: there are no Ahmadi policy makers, judges, or educationalists.” The report added that the “... British High Commission (BHC) also noted the role played by the media. The HRCP described the vernacular press as having become virulently anti-Ahmadi. State television contains broadcasts of anti-Ahmadi rhetoric, including phrases such as ‘Ahmadis deserve to die.’ Even in the traditionally liberal English language press religious freedom is becoming harder to defend as journalists increasingly fear attack if they defend Ahmadis. The BHC stated that public opinion on Ahmadis, encouraged by the vernacular press, is conservative. Whilst Christian rights may be upheld in the press, Ahmadi rights are not. The effect is that most people have accepted the proposition that Ahmadis are non-Muslim and this is as far as they take the issue. However, others use the discrimination as an opportunity for personal or political gain.” [51] (p6, Section 2, Position of Ahmadis in Pakistan)

- 19.67 The same source recorded that:

“The HRCP stated that the situation faced by Ahmadis today is very poor, and becoming worse as each year passes. In a country where sectarianism is on the increase, the Ahmadis were described by HRCP as being in the worst case scenario: the official policy on religion leaves the group extremely vulnerable. The threat to Ahmadis varies from place to place: in some villages Ahmadis are able to live safely, whilst in others they have been driven out. The reports of violence fluctuate each year but the overall trend of violence against Ahmadis is worsening...The atmosphere of intolerance towards Ahmadis — in which the perpetrators of violence against them are painted as the injured parties — is increasing, and is being indirectly nurtured by the government who do not defend Ahmadis. Three years ago a member of the judiciary or government would have spoken out against violence or stepped in to defend Ahmadis against attacks in the press, but this is no longer the case...” The BHC commented that “the current political climate as one in which President Musharraf’s declared approach of ‘enlightened moderation’ is in the balance, with a battle being fought between modernisers and extremists.... “ and that “Musharraf and the Prime Minister have done much to promote religious tolerance. However, on the ground little has changed. The use of religion to gain advantage continues and Musharraf’s attempt to prevent abuse of the blasphemy laws has had little impact in reality... The BHC noted that even within this context the Ahmadi issue is different as public opinion has become set against the Ahmadis. The sensitivity of Ahmadi identity is such that Ahmadis face social isolation. In Mr Rehman’s [President of Amnesty International Pakistan] view the Ahmadis are the most repressed community in Pakistan. Whilst the Christian community face problems, they have profile and support in Pakistan. No-one is exerting pressure on behalf of the Ahmadis.” [51] (p7, **Section 2.1, Social and political environment**)

19.68 The PHRG report also recorded that the BHC stated:

“...there is under-reporting of Ahmadi persecution, making it difficult to make an accurate assessment of the frequency of attacks against Ahmadis; however, the BHC consider the problems faced by Ahmadis to be a serious issue. The Pakistan government has done little to alleviate the problems faced by Ahmadis: it would be ‘political suicide’ to deal with the Ahmadi problem directly and politicians will not use the example of the Ahmadis to make the case for religious tolerance. The Senior Government Advisor draws a similar conclusion: it is now beyond the power of government to reverse the situation for Ahmadis... changes in the law will not be sufficient to change the view of the population: there must be a change in the views held in society first. However... there is no party or institution prepared to lead the debate on Ahmadis in Pakistan and therefore a change in public attitude is not anticipated in the near future.” [51] (p7, **Section 2.1, Social and political environment**)

19.69 The USSD IRF 2008 stated that “In contrast to previous reporting periods, there were no reports of discrimination against Ahmadis and Christians when they applied for entry to universities and medical schools.” [2i] (**Section II**) However, the website www.thepersecution.org reported in its Year 2008 Summary that on 5 June 2008, 23 Ahmadi medical students were expelled from medical college in Faisalabad following an anti-Ahmadiyya campaign by other students who accused some of the Ahmadi students of preaching their faith. [60a] (**Three Incidents: 2A**)

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CHRISTIANS

Demography

19.70 The USSD IRF 2006 report stated that:

“Christians, officially numbered at 2.09 million, claimed to have 4 million members, 90 percent of whom lived in Punjab. The largest Christian denomination was the umbrella Protestant Church of Pakistan, a member of the Anglican Communion. Roman Catholics were the second-largest group, and the remainder belonged to various evangelical denominations. The Catholic diocese of Karachi estimated that 120 thousand Catholics lived in Karachi, 40 thousand in the rest of Sindh, and 5 thousand in Quetta, Balochistan. A few tribal Hindus of the lower castes from interior Sindh have converted to Christianity... Foreign missionaries operated in the country. The largest Christian mission group engaged in Bible translation for the Church of Pakistan. An Anglican missionary group fielded several missionaries to assist the Church of Pakistan in administrative and educational work. Catholic missionaries, mostly Franciscan, worked with persons with disabilities.”
[2a] (Section I: Religious Demography)

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Recent events

(For legislation discrimination against Christians see sub sections above on [Blasphemy Laws](#) and [Hudood Ordinances](#))

- 19.71 The USSD IRF 2008 observed that “The Government took steps to bolster religious freedom during the period covered by this report [July 2007 to June 2008]. In November 2007 the Government supported the Kawan-e-Aman, an interfaith harmony project that examined societal discrimination and random violence targeting religious minorities, particularly Christians.” However, the same report added that “Violence against and harassment of Christians continued during the period covered by this report.” The report also noted that during its reporting period, at least 11 Christians [compared to 10 in the previous reporting period (USSD IRF 2007) [2f]] were arrested on blasphemy charges... [2i] (Section II)
- 19.72 The USSD IRF 2008 report noted that forced conversions of religious minorities to Islam occurred at the hands of societal actors. Minority groups claimed that the government action to counter this was inadequate. The source reported at least three cases during its reporting period of Christians being forced to convert to Islam. [2i] (Section II: Status of Religious Freedom)
- 19.73 On 3 January 2009, the *Daily Times* reported on the imminent opening of a church at Adiala Jail in Rawalpindi. Adiala Jail would become the first prison to have a church open on its premises. It was expected that over 250 Christian prisoners would visit the church. A visitor to Adiala Jail stated that, with the government’s financial and administrative support, Christians intended to open other churches in prisons across the province. [55a]

See also Section 13: [Prison Conditions](#)

19.74 On the subject of societal violence the USCIRF Report 2008 stated that:

"In October 2007, Islamic militants threatened to bomb a Christian family in northwestern Pakistan for refusing to convert to Islam. The month before, the family had received a similar threat. In August and September 2007, three Christian ministers were murdered by 'fanatics' in separate incidents. In June 2007, Christian families were forced to flee a village in Punjab province after Protestants were attacked by an armed mob of over 40 men with guns, axes, and sticks demanding that they halt their meeting. Seven persons were injured. Perpetrators of such attacks on minorities are seldom brought to justice." [53] (p164)

19.75 The USSD Report 2008 recorded that Christians, amongst other minority groups were "...targets of religious violence across the country..." and reported "...significant discrimination in employment and access to education, including at government institutions." [2k] (Section 2c)

19.76 The USSD IRF 2006 noted that:

"While many Christians belonged to the poorest socioeconomic groups and faced discrimination, the reason might have more to do with ethnic and social factors than with religion. Many poor Christians remained in the profession of their low-caste Hindu ancestors, most of whom were 'untouchables.' Their position in society, although somewhat better than in the past, did not reflect major progress despite more than one hundred years of consistent missionary aid and development. Christian students reportedly were forced to eat at separate tables in public schools that are predominately Muslim." [2a] (Section III: Societal Abuses and Discrimination)

19.77 The USSD IRF 2008 report added that:

"Discrimination in employment based on religious affiliation appeared widespread. Christians had difficulty finding jobs other than those involving menial labor, although Christian activists stated that the situation had improved somewhat in the private sector in recent years... minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in both the brickmaking and agricultural sectors. Christians and Hindus were disproportionately victims of this practice." [2i] (Section II)

19.78 The USSD IRF 2006 report noted that:

"Many... Christians reported discrimination in applying to government educational institutions due to their religious affiliation. Christians and Ahmadis reportedly have been denied access to medical schools... Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused." [2a] (Section II)

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SHI'A AND SUNNI MUSLIMS

Background

19.79 The Encyclopedia of the World's Minorities (2005) recorded that:

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

19.80 The Encyclopedia further stated that:

"After the Prophet's death in 632 CE, the first four 'rightly-guided' (rashidun) caliphs codified many Islamic practices. The Shi'a, who advocate a strict adherence to Islamic law (Shari'a), believe that the first three caliphs instituted customs that diverged from the teachings of the Prophet. They consider the first three caliphs to be illegitimate, and assert that only Ali, the fourth caliph, had the divine right to rule over the Muslim people. Ali, who married Muhammed's daughter Fatima, was caliph from 656-661 CE until he was assassinated in the city of Kufa." The same source continued "Shi'a consider designated descendants of Ali and Fatima to be imams, religious and political leaders who are without sin and have the divine right to interpret the shari'a...Of particular importance to all Shi'a is the third imam, Husayn, the son of Ali who was killed in 680 at Karbala fighting the Umayyad caliphate that had taken over after his father's death. Today, the celebration of ashura serves as a reminder to Shi'a of Husayn's martyrdom, a time after which the world abandoned the path of righteousness." [37] (p880)

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Demography

19.81 The USSD IRF 2008 report noted that "The majority of Muslims in the country are Sunni, with a Shi'a minority ranging between 10 to 20 percent". [2i] (Section I) Shi'a followers claimed that at least 20% of population were Shia and "split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought." (USSD IRF 2006) [2a] (Section I)

19.82 The same report added that:

"Government estimates on Shi'a counted approximately 750,000 Ismailis, most of whom were spiritual followers of the Aga Khan. An estimated 80 thousand Ismailis belonged to the Bohra or other smaller schools of thought. Shi'as were found nationwide but had population concentrations in Karachi, Gilgit, and parts of Balochistan. Ismailis were found principally in Hunza, Karachi, and Baltistan. The majority Sunni Muslim community was divided into three main schools of thought (Brailvi, Deobandi, and Ahl-e-Hadith) and a socio-political movement, the Jamaat Islami (JI), which had its own theology, schools, and mosques. Ahl-e-Hadith adherents comprised, at most, 5 percent

of Muslims, and were concentrated in Punjab. No reliable figures on JI adherents existed, as its membership always claimed adherence to another school. Its adherents, however, were generally found in urban centers. Brailvi and Deobandi leaders both claimed that their schools comprised up to 80 percent of the overall Muslim population. Most disinterested observers believed that the Brailvi remained the largest school, approximately 60 percent of all Muslims, with the Deobandi at approximately 20 percent but growing. The Brailvi were the dominant majority in Sindh and Punjab. Deobandi were generally found in the Pashtun belt from northern Punjab, across the NWFP, and into northern Balochistan, although there were increasing numbers in Karachi and the Seraiki areas of Punjab.” [2a] (Section I: Religious Demography)

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Sectarian Violence

- 19.83 The USSD Report 2008 recorded that “Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups outside FATA resulted in hundreds of deaths during the year.” The Report added that in 2008 “Sectarian violence between Sunni and Shia extremists continued...” [2K] (Section 1a)
- 19.84 The USSD IRF 2008 Report observed that:
- “The World Council of Religions in Islamabad, assisted by leaders from Islamic, Christian, Hindu, Sikh, Buddhist, and Parsi communities and backed by President Musharraf, continued to organize interfaith dialogue sessions throughout the country. The Religious Affairs Ministry and the Islamic Ideology Council continued to organize smaller interfaith meetings and dialogue sessions. Following these meetings, Deobandi and Jamaat-e-Islami religious and political leaders significantly toned down anti-Christian and anti-Hindu rhetoric... throughout the reporting period the Government continued its efforts to end the Sunni/Shi'a violence in Kurram Agency through negotiations and peace talks.” [2i] (Section II)
- 19.85 The same report added:
- “Targeted assassinations of clergy remained a key tactic of several groups, including the banned sectarian organization Sipah-i-Sahaba (SSP), the terrorist organization Lashkar-i-Jhangvi (LJ), and the sectarian organizations Sunni Tehrike (ST) and Sipah-i-Mohammad (SMP). SSP and LJ targeted both Shi'a and [Sunni] Barelvis, whereas ST and SMP targeted [Sunni] Deobandis.” [2i] (Section II) The same report also stated that “Relations between the country's religious communities remained tense. Violence against religious minorities and between Muslim sects continued. Most believed that a small minority were responsible for attacks; however, discriminatory laws and the teaching of religious intolerance created a permissive environment for attacks. Police often refused to prevent violence and harassment or refused to charge persons who commit such offenses.” [2i] (Section III)
- 19.86 The USSD IRF 2008 Report cited several examples of sectarian violence during its reporting period (July 2007 to June 2008):

"On June 17, 2008, four Shi'a Muslims were killed in Hangu, NWFP. Police did not confirm the attack was sectarian, but the town has had a history of violent clashes between the majority Sunni and minority Shi'a Muslims. According to a BBC Report, on June 16, 2008, a bomb exploded outside a Shi'a mosque in Dera Ismail Khan killing four persons and injuring three others. The explosion occurred as worshippers were leaving after evening prayers. On January 17, 2008, a suicide attack in a Shi'a mosque in Peshawar's Qissa Khawani Bazaar killed 10 persons and injured approximately 20 others. The attack took place on the seventh day of the holy month of Muharram. The bombing was motivated primarily by sectarian tension. Several small protests followed the explosion but concluded peacefully. Since November 2007 multiple incidents of violence and death have been reported in Kurram Agency due to an on-going battle between Deobandis and Shi'as. Sunni militants deliberately exploited sectarian tensions, resulting in multiple deaths during the year." [2i] (Section III)

19.87 The website of the South Asian Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan for 2008 (based on news reports) stating that there were 97 incidents, 306 deaths and 505 people injured. Up to the end of January 2009, SATP recorded 139 sectarian incidents in 2008, resulting in 50 deaths and 51 people injured. [61a] (Table of Sectarian Violence in Pakistan up to January 2009)

19.88 In correspondence from the Foreign and Commonwealth Office (FCO) to the UK Border Agency, dated 9 January 2009, an FCO official stated:

"[that] there are incidents of sectarian violence - mainly Sunnis against Shias - in the parts of Pakistan where the Shia minority are most prevalent. For example, in January 2007, during the Shia festival of Ashura, at least two suicide bombers attacked Shia gatherings and two rockets were launched at a Shia mosque in Bannu. Authorities respond to these attacks, although in Pakistan police investigation etc does not equate to protection or necessarily to justice through legal proceedings." [11j]

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20. ETHNIC GROUPS

- 20.01 The Asian Centre for Human Rights stated in their report to the UN Commission Against Racial Discrimination, published August 2007, that:

“The key ethnic groups in Pakistan are Punjabis (44.15% of the population) followed by Pakhtuns (15.42%), Sindhis (14.1%), Seraikis (10.53%), Muhajirs (7.57%) and Balochis (3.57%). The others smaller ethnic groups include Turwalis, Kafiristanis, Burusho, Hindko, Brahui, Kashmiris, Khowar, and Shina, and the Kalash etc. In addition, Pakistan had accommodated largest number of Afghan refugees comprising of the Pakhtuns, Tajiks, Uzbeks, Turkmen, Hazaras, etc and many of these refugees permanently settled in the country. A large number of Bengalis, Arabs, Burmese, and African Muslim refugees have also permanently settled in Karachi, whilst hundreds of thousands of Iranian migrants are scattered throughout the country.” [67a] (p13)

- 20.02 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that “Systematic discrimination against national, ethnic, and racial minorities is widely acknowledged privately, but insufficient data exist for clear and accurate reporting on these forms of discrimination.” [2k] (Section 5)

DALITS

- 20.03 The International Dalit Solidarity Network (IDSN), a network of national solidarity groups for Dalit rights, based in Denmark, reported on a workshop that took place on 3 June 2007 on “Caste-based discrimination in Pakistan”. The report noted “It is estimated that about two million scheduled caste people are among the poorest of the poor and are discriminated against in day to day life. Scheduled caste communities include the Kolhi, Meghwar, Bheel, Balmiki, Oad, Jogi, Bagri and other communities.” [24]

- 20.04 Quoting from a BBC report on the workshop, the same source noted that:

“The survey revealed that the worst form of discrimination — from both upper caste Hindus and Muslims — came in the shape of untouchability, which means they were denied access to public places like restaurants, barber shops, etc. In some places they were served in separate crockery and in other areas they were even denied entry to certain restaurants and shops. They had segregated housing, while the situation is worse in rural areas as 95 per cent of Dalits living in Rahimyar Khan reported untouchability as compared to 35 per cent living in Multan. Sixty-nine per cent of those surveyed said that their upper caste Hindu and Muslim neighbours either do not invite them to their social gatherings like weddings, or if invited they are served food separately. This attitude was relatively more prevalent in Rahimyar Khan (87 per cent) than in Tharparkar (60 per cent).

“The study claims that only one per cent of scheduled caste people were in government service, that also in the lowest tiers like primary school teachers. The illiteracy level in Dalits stood at 73 per cent against the national literacy level of around 50 per cent. The majority of these literates are educated up to the primary or secondary school levels, while only one per cent were graduates.

“Approximately 56 per cent of Dalit families live in single-room katcha houses, while 35 per cent reported the death of a child under 5 years in their families. The data showed that they were ignored by the political groups and government; hence they were unable to reap any benefits from the devolution plan. They also faced economic exploitation and the majority of bonded labourers in Sindh are from the scheduled castes.

“The research revealed that very little information was available on the status of issues being faced by marginalised groups like the scheduled castes. Also, there was no legal protection or affirmative action policy to combat caste-based discrimination in Pakistan, unlike in India.” [24]

- 20.05 The *Daily Times* reported on 24 November 2007 that out of the 9 nominees for the Sindh Assembly, the Pakistan People’s Party (PPP) had failed to nominate anyone from the Hindu scheduled castes, and that only 1 of the 5 nominees for the National Assembly was from a scheduled caste. The article noted that out of the 2.7 million people in Sindh province, 2.2 million are from the scheduled castes. The report further stated that scheduled castes, which were registered as such by former President Zia-ul-Haq, are reserved special places for public-sector employment opportunities. [55h]

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MOHAJIRS

Background

- 20.06 The Encarta Online Encyclopedia 2005 noted that:

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

Formation of MQM

- 20.07 Encarta also recorded that:

“Sindhis felt dispossessed by the preponderance of Mohajirs in the urban centers of Sind. With the emergence of a Sindhi middle class in the 1970s and adoption of Sindhi as a provincial language in 1972, tensions between Mohajirs and Sindhis began to mount. The 1973 constitution of Pakistan divided Sind into rural and urban districts, with the implication that the more

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

20.08 Europa World Online, accessed 12 February 2008, noted that the MQM was “Founded 1984 as Mohajir Qaumi Movement; name changed to Muttahida Qaumi Movement in 1997... represents the interests of Muslim, Urdu-speaking immigrants (from India) in Pakistan; seeks the designation of Mohajir as fifth nationality (after Sindhi, Punjabi, Pathan and Balochi); aims to abolish the prevailing feudal political system and to establish democracy.” [1] (**Muttahida Qaumi Movement (MQM)**)

20.09 The SATP website section titled ‘Muttahida Quomi Mahaz, Terrorist Group of Pakistan’ undated, accessed 17 March 2008, noted:

“Originally formed as the Mohajir Quomi Movement (MQM), it is now split into two factions. The faction led by the founder Altaf Hussain was renamed Muttahida Quomi Mahaz and is commonly referred to as MQM (A). A breakaway faction, created in 1992, retains the original name Mohajir Quomi Movement - with the suffix Haqiqi which means real - and is commonly referred to as MQM (H). The two factions have been responsible for several incidents of urban terrorism even as the MQM (A) participates in Pakistan’s electoral process. After a series of strong measures taken by the State in 1998, the MQM (A) has largely reoriented itself into an exclusively political outfit.” [61d]

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Recent events

20.10 The USSD Report 2008 noted that:

“During the year, sources in the Muttahida Qaumi Movement (MQM) party, which has the strongest political influence in Karachi, accused Jamaat-e-Islami (JI) activists of killing 19 of its members, including a Karachi University student, in ongoing violence between the two parties over political control of the province. Fourteen of these MQM members died in ethnic violence on November 29 and 30. JI accused MQM of killing 13 JI activists.

“On April 9, rioting between MQM lawyers and other lawyers in Karachi left nine dead. Authorities found seven bodies in lawyers’ offices, and the mob torched 40 vehicles following attacks on former Minister Sher Afghan Niazi in Lahore the previous day.

“By year’s end, a trial in the Sindh High Court was in process for those arrested in connection with the deaths of more than 40 political activists from multiple parties during demonstrations planned to coincide with the May 2007 arrival of then suspended Chief Justice Chaudhry to Karachi. Many observers

blamed the violence on the MQM party, a member of the ruling coalition that controlled the Sindh provincial government, since there were multiple reports that the government had ordered police not to deploy to demonstration areas. MQM officials denied responsibility for the violence, claiming 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial.” [2k] (Section 1a)

20.11 The USSD Report 2008 also recorded that:

“On some university campuses in Karachi, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (affiliated with the JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced admissions to the universities, and sometimes influenced the use of institutional funds. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.” [2k] (Section 2a)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 21.01 The International Lesbian and Gay Association (ILGA) noted in its report 'State-sponsored Homophobia – May 2008' that Section 377 'Unnatural offences' of the Pakistan Penal Code states "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to a fine." [84]
- 21.02 The 'Sodomy laws' website, last edited on 24 November 2007, reported that the penalty may also include:
- "... a possible corporal punishment of a 100 lashes." The same source added that "'Islamic law was re-introduced in 1990.' 'Pakistani civil law punishes those who have gay sex with two years to life in prison, while Islamic law, which also can be enforced legally, calls for up to 100 lashes or death by stoning.' [While it seems unlikely that Section 377 would apply to lesbians, it seems likely that Islamic law would] 'Arrests and trials do not occur ... As elsewhere with unenforced sodomy prescriptions, the existence of the law is a threat - a threat conducive to blackmail. While the law is largely irrelevant to life in Pakistan, those acting in its name are not...Police recurrently take money and/or sex from those they know to be involved in same-sex sex (commercial or not). (Chapter on Pakistan by Stephen O Murray and Badruddin Khan in 'Sociolegal Control of Homosexuality')." [50]
- 21.03 An IRB (Immigration and Refugee Board of Canada) report dated 29 November 2007 on gay relationships in Pakistan noted that:
- "Homosexual acts are illegal in Pakistan. Under Section 377 of the country's penal code, homosexuality is not explicitly mentioned, but 'carnal intercourse against the order of nature' is punishable by a fine and/or imprisonment for a period of two years to life. Under the country's Sharia law, introduced in 1990, homosexual acts are punishable by corporal punishment (whipping), imprisonment, or death. Likewise, gay marriage is illegal in Pakistan. However, in October 2005, a 'marriage' was said to have taken place between two men in the Khyber region. A tribal council reportedly told the couple to leave the area or face death for 'breaking religious and tribal values'. In May 2007, a married couple was imprisoned after the Lahore high court decided that the husband, who had undergone sex-change surgery, was still a woman. The couple had originally sought the court's protection against members of the bride's family who were harassing them; however, the court found the couple guilty of perjury, ruling that they had lied about the husband's gender and that their same-sex marriage was 'un-Islamic'. One month later, following an appeal to Pakistan's Supreme Court, the couple was released on bail..." [12c]
- 21.04 Regarding the above appeal to the Supreme Court, the International Gay and Lesbian Human Rights Commission (IGLHRC) noted in their report 'Human Rights and Transgender People in Pakistan', published February 2008 (IGLHRC Report 2008), that:

“... a landmark case involving transgender rights is currently unfolding in Pakistan. Nighat Saeed Khan, director of ASR Resource Centre in Lahore, Pakistan notes that, ‘Transgender individuals in Pakistan have typically faced a myriad of dangers from police, family, community, and religious authorities, and had to leave the country.’ The current case challenges this status quo. It marks an attempt by a female-to-male transgender man and his wife to have their marriage recognized, an outcome that is predicated on the court’s recognition of the right to transgender identity... the case is precedent setting... because the issue of gender identity has been sent to the Supreme Court.” However consideration of the case by the courts had been delayed by the disruption to the judiciary as result of the State of the Emergency in November 2007 and the subsequent political turmoil in early 2008. [49]

- 21.05 The Foreign and Commonwealth Office (FCO) consulted local experts on transgender and transsexuals in Pakistan, including a journalist and producer from the private television station, Geo TV, who had made a documentary on the subject. Following this consultation, the FCO noted in a letter to the UK Border Agency (then the Border and Immigration Agency), dated 6 February 2008, noted, with regard to the law on transgender persons that:

“There are two parallel legal systems in Pakistan: the constitution of Pakistan and the Federal Sharia law (religious law) of Islam. Under the Constitution of Pakistan there are only two recognized sexes i.e. male or female. The Constitution does not address the status of a person who has changed their gender through an operation. On the other hand the Sharia Law does not recognize any such operations and forbids them strictly. It is under this law that the various cases of gender operations have been arrested and charged in Paki[stan] courts. Depending on the severity [of transsexualism] various punishments have been prescribed in each case.

“... Depending on the reasons [for undergoing a sex-change operation] that the jury/judge deduce, the transsexuals might be put in jail or prescribed lashes. In strict Sharia Law there can be worse punishments like stoning to death, but haven’t been practiced by law yet. Stoning to death has been done in some rural areas where the local elders hold court to decide the matter... the constitution states that discrimination on basis of sex will not be entertained anywhere in the country. But it has failed to safeguard the rights of these people [transsexuals] too.” [11f] (Paragraph 1)

See also subsection on [Transgender/Transsexuality](#) below

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- 21.06 The full text of the Section 377 of the Pakistan Penal Code, obtained from Punjab Police website, reads:

“377. Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.” [63] (Pakistan Penal Code, accessed via the Punjab Police website)

GOVERNMENT AND SOCIETAL ATTITUDES

- 21.07 The USSD Report 2008 recorded that “Homosexual intercourse is a criminal offense; in practice, however, the government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation.” [2k] (Section 5)
- 21.08 The IGLHRC Report 2008 noted that:
- “There is no known grassroots activism among lesbians, gays, bisexuals, transsexuals and transgender (zenana) communities in Pakistan. This lack of activism, the silences around sexualit(ies), and deeply closeted status of most gays and lesbians in Pakistan (many of whom live double lives to avoid revealing their sexual orientation) makes it difficult to accurately assess their living conditions and human rights situation. Anecdotal information from Pakistani gay people who have left the country describes fear, secrecy, isolation, suicides, forced marriage, family and community pressure to conform to heterosexual norms.” [49]
- 21.09 The Spartacus International Gay Guide 2008, undated, stated in the section on Pakistan that there was no gay movement or gay groups in Pakistan. The Guide noted that “Despite the strict laws of Islam regarding moral standards, gay men, transvestites and transexuals live relatively undisturbed from the police.” However, the Guide noted gay men would receive little protection from the authorities. The same source stated that “The general population and the family does not see homosexuality in a positive light at all, but is generally tolerant enough to accept the situation as long as they are not affected.” [25] (p730)
- 21.10 An IRB Response to Information Request (RIR), dated 29 November 2007 noted that “Information on the number of prosecutions against homosexuals in Pakistan and their outcomes could not be found among the sources consulted by the Research Directorate. However, Country Reports on Human Rights Practices for 2006 indicates that the government ‘rarely’ prosecutes such cases. Nevertheless, in May 2005, two gay men were publicly lashed in Pakistan's north western Khyber region after they were caught having sex.” [12c]
- 21.11 On the subject of societal attitudes to homosexual activity the same source stated that:
- “Although homosexuality is thought to be ‘relatively’ common in Pakistan, it is a ‘taboo’ subject that is not publicly discussed. It is reportedly rare for homosexuals to be open about their sexuality. According to a 10 May 2005 article published by the United Nations (UN) Integrated Regional Information Networks (IRIN), homosexuals in Pakistan ‘live in constant fear of being ‘outed’ in [the country’s] staunchly conservative society which is largely ignorant and intolerant of sexual minorities.’ Cited in the same article, a representative of a local non-governmental organization (NGO) stated that if

an individual openly campaigned for gay rights in the country, he or she could end up being killed by religious followers. Nevertheless, several sources consulted by the Research Directorate indicate that homosexuality may, in general, be 'silently accepted' in Pakistan. Assaults on homosexuals are said to be 'rare'. In the country's North West Frontier Province (NWFP), it is apparently well known that ethnic Pashtun men take young boys as lovers which, according to IRIN, is 'a practice now deeply embedded in the local culture'. In March 2006, a group of gay men wearing dresses participated in a festival in Lahore. The Internet is reportedly contributing to a sense of growing 'solidarity' amongst homosexuals in Pakistan. Online chat rooms are said to provide a 'safe and anonymous forum for middle- and upper-class gay men'." [12c]

21.12 The same RIR continued:

"According to a 5 October 2005 British Broadcasting Corporation (BBC) article, 'increasingly,' same-sex couples are living together in Pakistan's larger cities, including Karachi and Islamabad. However, a 2006 *Guardian* article states that it is 'rare' for homosexual couples to live together and that many gay men end up marrying women to 'avoid scandalising their families'. Another article from IRIN notes that, while the atmosphere in larger cities such as Islamabad, Karachi and Lahore is 'mildly' more tolerant, in rural areas, conservatism is 'extreme' and homosexuals remain 'closeted'. Two sources indicate that cultural practices in Pakistan, which permit public displays of affection between members of the same gender, make it possible for gay men to socialize without attracting attention." [12c]

21.13 On the subject of female couples, the IGLHRC Report 2008 observed that "In Pakistan, two women can share a home, but not as intimate partners." [49]

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TRANSGENDER/TRANSEXUALITY

21.14 The FCO letter of 6 February 2008 which reported on the situation of transgender persons and transsexuals in Pakistan noted

"Transgenders are called the 'third form' or 'hijras' in Urdu language. there [sic] are no apt words for hermaphrodites, transgenders, eunuchs, transsexuals, etc.. They are all lumped together under the word Hijra. Most people just ignore them, some revere them, give them alms and clothes, men generally ridicule them. The two biggest hurdles in their peaceful life is the sexual harassment from men, including thrashings in public and verbal abuse that they have to face from everyone. They learn to live on the periphery of society showing up to beg and dance on weddings and the birth of children in exchange for some money. Currently they have no place or industry to work in because they are harassed wherever they go. Education is an impossibility for them. If they adopt children and raise them, eventually they even leave them because of society's pressures." [11f] (Paragraph 6) The same source stated "[that] men who behave, act, undergo operation, suffer with biological, psychological issues of gender are all termed as Hijras in Pakistan." The letter noted that instances of women undergoing an operation to become a man were very rare and that they would not be referred to as Hijras. [11f] (Paragraph 7)

21.15 The same source noted:

“The crime of transsexualism or undergoing sex operations essentially is translated as tampering with the Almighty's creations. That is deemed as a crime... the understanding of the various angles and approaches of this issue/subject is limited to very few due to bans and taboos on the subject. This in turn then influences the perception and final judgment meted out to ‘criminals of sexual crime’.

“There's no recorded history of such cases being tried in Sharia courts. Progressive and moderate interpretations of Islamic thought subscribe to this interpretation: 'Religious law only makes exceptions when a doctor prescribes the operation for a grown adult due to a severe and extremely dangerous health risk for the patient. Under religious law there should be absolutely no alternative for the patient and once the patient undergoes the operation, then s/he should be treated according to the new gender.' This is a quote from an Islamic scholar of the progressive school. His name is Khursheed Nadeem and he is the Country Director of an NGO called ‘Organization for Research and Education’ in Islamabad. Classic and conventional Islamic interpretation prescribes to lashings and stonings - a practice that was prescribed for adultery in early Islam... stonings and lashings are carried out at the highest degree of sexual crime. So far a legal court in Pakistan has not ordered this punishment for any such criminal (...there are only a handful cases tried in courts). But when these cases are caught in rural areas, under feudal and tribal laws and customs, eunuchs and transsexuals are lashed in public. The reported incidence of this is few and far between because the transsexuals flee to areas where there communities are relatively more accepted.” [11f] (Paragraph 2) The letter further noted that if a transexual committed a crime the treatment given out by law would be the same as other offenders. [11f] (Paragraph 9)

21.16 On obtaining ID documents, the FCO letter stated:

“In Pakistan when [transsexuals] file their papers to change their documents they have complained that the officials on duty do not change their sex on the documents. This is accompanied by ridicule, abuse, mental torture and in several instances complaints to the police for arresting the transgender. They are not provided any legal counsel in case of arrests, unless they arrange for their own lawyer. [11f] (Paragraph 4)

21.17 The journalist and producer from GEO TV said that they had spoken to several transexuals who stated that when attempting to acquire new ID cards or travel documents they had been refused. The letter noted “...Officials at these offices demand health and operation records for [transexuals] but since the operation is illegal in Pakistan no doctor can issue a sex change certificate that supports the transsexuals' claim. Public humiliation, aggravation and bureaucracy are part and parcel of this process.... NADRA [National Database and Registration Authority] does not appear to have a clear policy on this, as such applications are seen as exceptional cases.” [11f] (Paragraph 11)

21.18 An update dated 14 August 2007 on the website of Women Living under Muslim Laws, on the court case of a married couple where the husband had undergone partial sex-realignment treatment (see also paragraph 21.02)

observed that: “Legally she [Shamial Raj, the husband] can live where she likes and two 'women' can live together. They can also live together as they are but need to be very quiet about this. If they are not married and if they are woman and man then society could have a problem.” [62]

21.19 The same source continued:

“Despite sensationalistic media reports, at no point have Shamial and Shahzina been charged or tried for ‘lesbianism’ or for the legitimacy of their marriage. The law in Pakistan is silent on such relationships and defines no penalties. The question of Shamial's gender and sexuality only arose after the couple had engaged with the legal system in order to end the harassment by Shahzina's father, who had wanted to marry her off to settle a personal debt....Charges for section 377 of the PPC [Pakistan Penal Code], goes for trial. At no point have they been charged or tried for ‘lesbianism’ and nor for their marriage... On the 28th of May [2007] the Court decided that there was insufficient evidence to charge Shahzina and Shamial under section 377 (unnatural offences) and while there were circumstances under which perjury was committed it would still give (a lesser) sentence on that charge. Yet they were given 3 years each.” [62]

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22. DISABILITY

- 22.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that:

“The law provides for equality of the rights of persons with disabilities. There are employment quotas at both federal and provincial levels, which require public and private organizations to reserve at least two percent of their jobs for qualified persons with disabilities. In practice, however, this right is only partially protected due to lack of adequate enforcement mechanisms. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the majority of individuals with physical and mental disabilities. In some cases, however, criminals forced these individuals into begging and took much of the proceeds.

“Organizations that refuse to hire persons with disabilities can choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as some subsistence funding. The Council also operated the ‘Pakistan Society for the Rehabilitation of the Disabled,’ which provided rehabilitation, vocational training, and some medical support to persons with disabilities.

“When the King Edward Medical College refused to treat a disabled person on the grounds that the college did not have facilities for persons with disabilities, Punjab Chief Minister Shahbaz Sharif ordered on December 7 that the child be admitted to the college and that the provincial government cover the treatment costs.

“There were no restrictions on the rights of the disabled to vote or participate in civil affairs.” [2k] (Section 5)

- 22.02 In a list of frequently asked questions (FAQs), Pakistan’s Ministry of Health website described the services that were available via the ‘National Institute for Handicapped,’ which offered treatment and medical rehabilitation for the disabled. Rehabilitative services included Speech and Language Therapy, Occupational Therapy, Audiology and Psychology. All available treatment was provided free to the disabled patients and their families. [29k] (National Institute for Handicapped)

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23. WOMEN

OVERVIEW

- 23.01 Pakistan is a signatory to the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). [20d] (UN, 11 June 2007; p1)
- 23.02 The concluding comments of 38th Session of the Committee on the Elimination of Discrimination against Women, dated 11 June 2007, noted a number of positive developments in Pakistan:
- “...recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the 2002 amendment to articles 51 and 59 of the Constitution under the Legal Framework Order to increase women’s political participation in the National Assembly and the Senate; the 2000 amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses; the adoption, in 2002, of the Prevention and Control of Human Trafficking Ordinance; the adoption, in 2004, of the Criminal Law Amendment Act to facilitate prosecution of “honour killing”; and the adoption, in 2006, of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances.” [20d] (p2)
- 23.03 The Committee also commended the Pakistan Government on the adoption of a National Plan of Action (1998), National Policy for Advancement and Empowerment of Women (2002), and the Gender Reform Action Plan (2005). It also thought positive the reorganisation of the Ministry of Women Development and the creation of a National Commission on the Status of Women and welcomed the efforts taken to support female victims of violence. [20d] (p2)
- 23.04 However the Committee raised a number concerns about Pakistan’s implementation of its obligations under the CEDAW, including: a lack of a definition of discrimination in the constitution; that the CEDAW was not fully implemented into domestic law; insufficient measures were in place to ensure implementation of the new laws, lack of availability and access to redress mechanisms; lack of resources for the bodies promoting women’s rights; the prevalence of honour related crimes and the Qisa and Diyat law; lack of accountability for crimes of violence against women within the criminal justice system; the continued use of jirgas (tribal forum to resolve disputes) which made decisions to “perpetrate violence against women” despite a high court ruling banning such meetings; Pakistan remained a patriarchal society with deep-rooted traditional and cultural stereotypes regarding women in the family, workplace and in society generally; trafficking of women; under representation of women in government and the court system (as judges); socio-economic problems such as high illiteracy rates and lack of access to healthcare; inadequate registration of births and marriages; and lack of equality in the dissolution of marriage. [20d] (p3-8)

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LEGAL RIGHTS

- 23.05 The Pakistan constitution states that “All citizens are equal before [the] law and are entitled to equal protection of law...There shall be no discrimination on the basis of sex alone...Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.” [14a] (Section 25 of Chapter I Part II of Pakistan’s Constitution; p5)
- 23.06 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that “The law prohibits discrimination on the basis of sex, but in practice this provision was not enforced. Women faced discrimination in family law, property law, and the judicial system.” [2k] (Section 5)

Women’s Protection Act

- 23.07 On 1 December 2006 President Musharraf signed into law the Women’s Protection Act (WPA). (USSD IRF Report 2008) [2i] (Section II) The same report stated that the law:

“... moved cases of rape and adultery to secular rather than Shari’a courts. Previously, the Hudood Ordinance, which criminalizes rape, extramarital sex, property crimes, alcohol, and gambling, often relied on harsh and discriminatory interpretations of Qur’anic standards of evidence and punishment that applied equally to Muslims and non-Muslims. If Qur’anic standards are used, Muslim and non-Muslim and male and female testimony carry different weight. President Musharraf also ordered the release of all women imprisoned under the Hudood Ordinance. Approximately 2,500 women have been released. Many were unable to return to their homes because of social ostracism. A few others remained in custody, and most were housed in Daarul Amaans (government-run group homes). The women who were arrested under the Hudood Ordinance on charges of fornication, adultery, and possession of liquor now have their cases heard under the Women’s Protection Bill.” [2i] (Section II)

- 23.08 A Response to Information Request (RIR) by the IRB dated 3 December 2007 noted that the WPA “...also prohibits charging women with fornication offences in the cases where women allege they were victims of rape but cannot prove their ‘absence of consent’... Heterosexual consensual sex outside of marriage continues to be criminalized; however, the Act provides that such complaints will be investigated by a court before formal charges are laid...” [12f] (Pakistan: The Protection of Women (Criminal Laws Amendment) Act, 2006 and its implementation, 3 December 2007)

- 23.09 On the subject of introduction of the WPA, the USSD Report 2008 noted that:

“The Women’s Protection Act of 2006 brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. Previously, under the rape provision of the Hudood Ordinance, a woman was compelled to produce four male witnesses to corroborate her charge. Under the new law, police are not allowed to arrest or hold a woman overnight at a police station without civil court judge consent. In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases. Women’s rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the

courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced.” [2k] (Section 5)

- 23.10 The AHRC (Asian Human Rights Commission) report, ‘The state of human rights in eleven Asian nations – Pakistan’, dated December 2007, noted that:

“Though women throughout Pakistan have welcomed the new laws seeking to protect women, the general condition of the majority of women has not changed. Regarding cases of sexual abuse and rape, law enforcement authorities still seem to follow antiquated methods. Courts still apply old methods for registering cases of abuse and rape; women were still asked to provide witnesses for the alleged sexual offence and continue to be booked for adultery. The number of cases of honour killings, gang rape, abduction and killings of women with the connivance of authorities has increased; ministers and powerful people were involved in violence against women.” [52b]

See also [Hudood Ordinances](#) in Section 11 and the [Hudood Ordinances](#) subsection in Section 19

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POLITICAL RIGHTS

- 23.11 The USSD Report 2008 noted that:

“There were 60 seats in the National Assembly reserved for women, and an additional 16 women won directly elected seats in the 342-seat National Assembly. There were five women in the federal cabinet. For the first time in the country's history, the National Assembly elected a female speaker, Dr. Fahmida Mirza. There were 128 reserved seats for women of the 758 seats in provincial assemblies and one-third of the seats were reserved in local councils. Provincial chief ministers named women to serve in their cabinets. In some districts social and religious conservatives prevented women from becoming candidates.” [2k] (Section 3)

- 23.12 On the oppression of women participating in public life in Pakistan, the ACHR South Asia Human Rights Index 2008 recorded that:

“Chief Minister of Sindh Dr. Arbab Ghulam Rahim stated during the launch of the election campaign for his party on 26 August 2007 in Thatta that women's leadership was a ‘curse’ on society.

“On 29 March 2007, tribal elders in Bannu district of North West Frontier Province barred women from casting their vote in the by-election of National Assembly Seat-26.

“Most women councillors of Upper Dir district in NWFP have not attended sessions of district and union councils since 2005 because of an ‘unofficial ban’ imposed by a local jirga. Unelected male relatives had represented them since 2005, in sessions of the district and union councils. These self-nominated ‘representatives’ of women councillors – apparently fathers, sons, brothers and husbands – enter councils’ rooms, sign the attendance roster

and take part in the debate on behalf of the women councilors with complete acquiescence of the state.” [67b] (p75)

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SOCIAL AND ECONOMIC RIGHTS

Family laws: marriage, divorce and inheritance

23.13 The Muslim Family Laws Ordinance, 1961, stated that “It extends to whole of Pakistan [sic], and applies to all Muslim citizens of Pakistan, wherever they may be.” It covers marriage, polygamy, divorce and maintenance. [30] (p1) The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband. [31] (p1) The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated that an adult male is defined as having attained the age of 18 years, a female as having attained the age of 16, or reached puberty. [14b] (p1) The USSD Report 2008 stated “Parliament outlawed forced marriages in February 2007, but implementation of the law remained a problem.” [2k] (Section 5)

23.14 The USSD IRF 2008 Report noted that:

“The Government does not recognize either civil or common law marriage. Marriages are performed and registered according to one's religious group. The marriages of non-Muslim men remain legal upon conversion to Islam. However, if a non-Muslim female converts to Islam and her marriage was performed according to her previous religious beliefs, the marriage is considered dissolved. Children born to Hindu or Christian women who convert to Islam after marriage are considered illegitimate unless their husbands also convert. Children of non-Muslim men who convert are considered legitimate. A Muslim man can marry a woman ‘of the Book’ (Jew or Christian) but cannot marry a woman of any other religious group unless she converts to Islam, Judaism, or Christianity. Muslim women may only marry Muslim men. The children of a Muslim man and a Muslim woman who both convert to another religious group are considered illegitimate and can be seized by the Government. In effect, the Government recognizes a marriage if both bride and groom are of the same religious group, irrespective of the sect, or if the groom is Muslim and bride is ‘of the Book.’ Children born to these couples are considered legitimate. If the bride is Muslim and groom is not, they are not considered married and their children are illegitimate. Since Muslim males are not allowed to convert to any other religious group, the only way the marriage can be legitimated and the children made eligible for inheritance is if the groom converts to Islam.” [2i] (Section II)

23.15 Also on the subject of marriage the USSD Report 2008 stated that:

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

23.16 The same source also recorded that:

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

23.17 An article in *The National*, an English newspaper published by the Abu Dhabi Media Company, dated 26 November 2008, reported that:

“Two weeks ago, the Council of Islamic Ideology, the country’s [Pakistan] top advisory body on religious affairs, proposed that a divorce should come into effect within 90 days of a woman’s filed request, even if her husband has not responded by that time. Pakistan’s current law allows a woman to start divorce proceedings only if she first surrenders her right to ‘mehr’, or money pledged by her husband at the time of marriage. Existing laws allow a husband to divorce his wife verbally in private. The council recommended it should be done in writing. After a storm of angry criticism by religious parties branding the proposals an attempt to change Islamic law, the government disowned the council’s recommendations.” [40a]

23.18 The IRB noted in a Response to Information Request on the issue of single women living alone, dated 4 December 2007, that:

“... According to Muslim family laws in Pakistan, a Muslim man has a unilateral right to divorce his wife. This is known as Talaq, whereas a Muslim woman can [only] dissolve her marriage with the intervention of [a] court. She does not have the unilateral right to pronounce talaq unless that right is delegated to her by the husband under marriage contract but this right is usually not delegated to [the] wife. While under Christian Family [laws], Christian women seeking to legally dissolve marriage confront such obstacles in terms of very strict grounds to prove, that many have ended up converting. And conversion means termination of any link with their community. Parents do not encourage their daughters to return home for fear of being stigmatized a ‘divorcee’ which [is] tantamount to being a social pariah while husband’s ill conduct is not questioned generally.” [12j]

23.19 With regard to inheritance laws, the USSD Report 2008 observed that the law “...discriminates against women. Female children are entitled to only one-half the inheritance of male children. Wives inherit only one-eighth of their husband’s estate. In practice, women often received far less than their legal inheritance entitlement.” [2k] (Section 5)

23.20 The same source stated:

“The World Bank released a study in February 2007 indicating that approximately one-third of marriages in rural areas were ‘watta satta’, exchange marriages in which men marry each other’s sisters, a practice that carries with it a mutual threat of retaliation. The study indicated that the

reciprocal nature of the practice provided some measure of protection for women. According to the study, 'women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes.' Human rights groups such as the HRCP criticized the practice, however, noting that 'these marriages treat women as a commodity, and tension within one household also affects the other'." [2k] (Section 5)

- 23.21 The USSD Report 2008 further noted that "In rural Sindh, landowning families continued the practice of 'Koranic marriages' to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male older than 14. These women were expected to stay in the home and not maintain contact with anyone outside of their family." [2k] (Section 5)
- 23.22 The Freedom House Freedom in the World 2008 Country Report on Pakistan also noted that "The tribal practice of vani, in which women are offered in marriage to settle blood feuds between rival families, continues to take place in certain parts of rural Pakistan, although there is growing opposition to the practice by the women themselves as well as social activists and religious scholars. It was declared illegal by the Supreme Court in 2004, and in a landmark December 2005 judgment, the court ordered local police to offer women protection." [19a]
- 23.23 The US Department of State (USSD) recorded in its travel section by the Bureau of Consular Affairs on International Parental Child Abduction, Pakistan, undated, accessed 19 March 2009, that:

"Under Pakistani family law, which is based on Islamic law, the father controls virtually all aspects of his family's life. He decides where his wife and children will live, how the children are to be educated and whether or where they may travel. Courts rarely, if ever, give custody of children to a woman who is not a Muslim, who will not raise the children as Muslims, does not plan to raise them in Pakistan, or has remarried. In all probability, even if the mother wins custody, the children would still need the father's permission, to leave the country. Any matter of custody in Pakistan can only be resolved through the appropriate local judicial system...

"In Pakistan, most mothers do not earn an income. The courts keep this in mind in determining what is in the best interests of the child. A father is legally bound to take care of his children no matter what since he is the income earner. A mother is not so bound. That is why, in most cases, the father is granted custody...

"Laws protecting the rights of mothers are written into the Quran (Koran). Under Islamic law, a woman has the right to keep a boy child up to the age of seven years and a girl child up to the age of twelve..." [2l]

See also Section 24: subsections on [Child rights – civil rights and freedoms](#) and [Forced marriage](#) and Section 19: [Inter-faith marriage](#)

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Women in the workplace

23.24 The USSD Report 2008 observed with regard to women's rights at work that:

"There was no law to protect women in the workplace. Press reports indicated harassment was especially high among domestic workers and nurses. Although the Penal Code prohibits harassment, prosecution was rare... Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives." [2k] (Section 5)

See also sub-section below on [Honour Killings](#)

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Socio-economic indicators

23.25 The World Health Organisation (WHO) country profile of Pakistan, undated, listed a number of socio-economic statistics for men and women. As published on its website, accessed on 18 January 2008, based on figures from 2005, girls/women are less likely to be educated than boys/men (77% of girls were in primary school, 40% in secondary school, compared to 94% and 51% of boys respectively) and have lower literacy rates than men (40% of women over 15 years are literate; compared to 65% of men). [5a]

23.26 The WHO country profile of Pakistan also provided some basic healthcare data that directly relates to women: antenatal care was provided to 42% of the population; while only 19% of births were attended by "skilled health personnel". [5a] The UN Population Fund country profile for Pakistan also provides socio-economic statistics on women. It noted that while the rate of "labor force participation" for men aged 15 to 64 was 84.6, it was only 15.4 for women of the same age group. [66]

See also Section 26: [Medical Issues](#); and Section 24: [Children](#)

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Single women

23.27 In a Response to Information Request dated 4 December 2007, regarding the circumstances under which single women could live alone in Pakistan, the Immigration and Refugee Board of Canada (IRB) noted, following correspondence with an adjunct professor of gender studies and international studies at the University of Denver, that:

"It is very hard for a single woman to live alone both in urban and rural areas. ... It depends on age, class, education, and urban or rural setting. Young unmarried/divorced women in all classes in urban areas find it difficult to live alone. They cannot get apartments to be rented. If they own a property, they can more conveniently opt to live alone but again there is social pressure around them and they have to face all kinds of gossips and scandals. In such

case, age is their biggest problem. Older women can live alone but still they feel insecure socially and physically. We do have examples now in the big cities where highly educated and economically independent women opt to live alone but their percentage is very low. In the rural areas they mostly live with joint family even if they do not get along with them... [12]

- 23.28 After consulting a representative from an NGO specialising in women's issues, specifically with regards to women affected by Islamic laws and customs, the IRB also noted in the same Request that:

"... After having lived in Pakistan for one year, the Representative stated that she had only encountered one woman living alone; the Representative explained that this woman was able to live alone because she was an activist, was aware of her rights and understood the cultural system which permitted her to 'navigate daily challenges.' She added that she was aware of other women who had tried to rent apartments on their own but were unable to do so because of resistance from landlords who assumed they were planning to open a brothel. The Representative specified that it is also rare for men to live alone in Pakistan because people are expected to live with their families until they get married and set up households of their own. The Representative added that even though it is not illegal for women to live alone, there would be obstacles for a woman to try to rent an apartment or house on her own and '[c]ultural pressures and personal security would continue to be issues, especially if it was common knowledge [that] a woman was living alone.'

"A representative of Shirkat Gah Women's Resource Centre, a civil society organization in Pakistan promoting and advocating women's rights for the past 30 years, provided corroboration in correspondence dated 4 December 2007 to the Research Directorate that the situation of women living alone Pakistan depends on their social and economic status. The Representative also provided the following information: There has been an increasing trend in both urban and rural areas where husbands leave home for better employment options abroad. So wives of those usually live alone but the important aspect in such living situation is social acceptance and support from the family. Financial stability is often considered a strength by such women and they do not face negative criticism." [12]

- 23.29 The same source noted:

"The following information was provided in correspondence received on 22 November 2007 by a professor of law at the University of Warwick who specializes in women's human rights and gender and the law, who has written various publications on Pakistan and who is also a professor at the University of Oslo:

"The response to your question depends upon the circumstances, location, socio-economic, educational and professional status of the single female. Generally, it would be accurate to say that single women are rarely able to live on their own without a male member of the family in Pakistan. Reasons for this are numerous but they primarily stem from custom and culture that requires a woman to have a male family member to be in a protective and supervisory role. Society also frowns upon women living on their own and would not help the reputation of the single woman. You may find one in a million single woman who has the means and can live in a big city with helpers, etc. to

assist and protect her. This of course is a minority and an exception rather than the rule.” [12j]

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VIOLENCE AGAINST WOMEN

23.30 On 17 February 2009, the Aurat Foundation released its 2008 annual report on the ‘Situation of Violence Against Women in Pakistan’. The report covered the period January to December 2008 and recorded a total of 7,733 cases of violence against women reported in the print media. Of those cases, 5,686 were registered with the police. [57b]

23.31 The USSD Report 2008 recorded that:

“Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Other forms of domestic violence included torture and shaving. In-laws abused and harassed married women. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid. There is no specific legislation prohibiting domestic violence, but sections of the Penal Code can be used to invoke justice for the victim. The National Commission on the Status of Women, a government body, advocated the passage of domestic violence legislation.

“According to a June HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands and nearly 50 percent of wives in most developed urban areas admitted that their husbands beat them. By November there were 21 reported cases of ‘stove deaths,’ incidents in which women are doused in kerosene and set on fire. According to the Progressive Women's Association, many incidents were unreported.

“Women who try to report abuse face serious challenges. In the absence of domestic violence law, abusers may be charged with assault, but the abused rarely filed cases. Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse for fear of dishonoring the family.” [2k] (Section 5)

23.32 Between January and December 2008, the Aurat Foundation recorded 320 cases of domestic violence. (2008 annual report, 17 February 2009) [57b]

23.33 The Freedom House Freedom in the World 2008 Country Report on Pakistan observed that:

“A combination of traditional norms, discriminatory laws, and weak law enforcement continues to contribute to a high incidence of rape, domestic violence, acid attacks, and other forms of abuse against women; according to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of rape or other sexual crimes are often pressured by police not to press charges, and are sometimes pressured by their families to

commit suicide. Gang rapes sanctioned by village councils as a form of punishment for crimes committed by the targeted woman's relatives continue to be reported, despite the fact that harsh sentences have been handed down against the perpetrators in some cases." [19a]

- 23.34 On 1 July 2008 the *Daily Times* reported on a draft Domestic Violence (Protection and Prevention) bill that was discussed amongst human rights activists, female parliamentarians and lawyers. The article noted that "The bill is being drafted to propose legal provisions that could curb domestic violence against women. The draft of the bill will be sent to the National Assembly, which will decide whether it should be made a law. The lawyers, civil society activists and the parliamentarians said that the trend of violence against women should be strongly discouraged and the bill was an attempt in this regard." [55m] The Country of Origin Information Service is not aware, at the time of publication (April 2009), that this bill has progressed through parliament.
- 23.35 The Asian Human Rights Commission (AHRC) stated in their report: 'The state of human rights in eleven Asian nations in 2007 – Pakistan', dated December 2007, that "According to Lawyers for Human Rights and Legal Aid (LHRLA) a total of 2226 cases of violence against women have been reported from across the country from January to December 2007. Of these 1739 were acts of physical abuse while 527 included sexual abuse. Of the reported sexual abuse cases...295 were rape cases with 160 involving gang rape. In 72 cases, the victims have been brutally murdered after being violated." [52b]
- 23.36 The Human Rights Commission of Pakistan (HRCP) noted in their State of Human Rights in 2007 Report that:
- "Women also suffered cruel cases of domestic violence, kidnapping, sexual harassment, acid attacks and burnings. Many incidents of domestic violence and other attacks included amputation of body parts or limbs, burning by fire, loss of use of eyes, nose, mouth and ears due to acid attacks, as well as horrific incidents of rape and gang-rape. Internal and international trafficking of women also continued in full force. The number of suicides also remained high." [27a] (Women)
- 23.37 An article by IRIN, dated 11 March 2008, stated: "Domestic violence is endemic in Pakistan." The report noted that in the eight years since the publication of HRW's 1999 report on domestic violence in Pakistan, there was little evidence that any major changes had been made in the country. The article quoted leading lawyer and rights activist as saying "Domestic violence is very widespread. It is tied in to the lack of empowerment of women in our society." [41a]
- 23.38 The same source noted:
- "At times, the violence inflicted on women takes on truly horrendous forms. The Islamabad-based Progressive Women's Association (PWA), headed by Shahnaz Bukhari, believes up to 4,000 women are burnt each year, almost always by husbands or in-laws, often as 'punishment' for minor 'offences' or for failure to bring in a sufficient dowry. The PWA said it had collected details of nearly 8,000 such victims from March 1994 to March 2007, from three hospitals in the Rawalpindi-Islamabad area alone... A lack of safe shelters for

women victims of domestic violence, limited awareness of the issue and the absence of specific legislation all compound the problem. The result is that thousands of women are victims of severe violence within their homes, with most cases going unreported and the culprits consequently escaping any punishment for their crime.” [41a]

See also sub-section: [Assistance available to women](#); Section 13: [Prison Conditions](#)

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Honour killings

- 23.39 The IRB in a Response to Information Request (RIR) entitled ‘Pakistan: Honour killings targeting men and women, especially in the northern areas (2001 - 2006)’, dated 24 January 2007, provided a brief description of the custom and to whom it applied:

“There is an extensive amount of information on honour killings in Pakistan primarily focusing on female victims. Honour killings are described as a custom in which mostly women and some men are murdered after accusations of sexual infidelity. The killers seek to avenge the shame that victims are accused of bringing to their families. However, even girls (and, on a smaller scale, boys are victims of the practice. Honour killings are known by different names depending on the area in Pakistan in which they are practised. In Sindh province they are referred to as *karo kari*, where *karo* refers to the ‘blackened’ or dishonoured man and *kali* to the ‘blackened’ woman; they are called *tor tora* in the North-West Frontier Province (NWFP), where *tor* refers to the accused man and *tora* to the accused woman; *kala kali* in Punjab province, where *kala* refers to the accused man and *kali* refers to the accused woman; and *sinyahkari* in Balochistan.” [12e]

- 23.40 The same source also provided detail about the motivations and justifications for honour killings, and states that such killings:

“...are often carried out by men who believe their honour has been breached by the sexual misconduct of female family members, even when it is only an allegation. The tribal justice system, for example, makes it incumbent upon husbands and male relatives to restore family honour damaged by allegations of a woman's sexual misdeed, usually by killing the woman and her alleged lover. The NCSW [National Commission on the Status of Women] indicates that it is not just honour killings but all forms of domestic violence that are ‘frequently intended to punish a woman for a perceived insubordination supposedly impacting on male honour’. The media in Pakistan reports stories indicating that the male companion of the accused female will also be killed in the name of protecting family honour, or for marrying a woman from another tribal group without the consent of her parents, to restore the honour of her tribe.” [12e]

- 23.41 The IRB RIR summarised the motives for honour killings:

- “maintain family assets;
- acquire another family's assets;

- prevent women from freely choosing their husband;
- punish women for seeking divorce, having been raped or having disobeyed family wishes;
- seek revenge on an opponent; and
- disguise the murder of another man.” [12e]

23.42 The IRB continued:

“Honour killings are reportedly most prevalent in rural areas of Pakistan. In 2004, more than half of all reported honour killings occurred in southern Sindh province, but the practice was also believed to be widespread in Punjab, Balochistan, NWFP and the FATA. However, the HRCP noted an increase in these types of murders in urban areas such as Lahore in 2005. Pakistan's National Commission on the Status of Women (NCSW) similarly indicates that honour killings take place in urban areas and that some of these cases are committed by the urban elite.” [12e]

23.43 The Human Rights Watch Report 2009 (HRW Report 2009) stated that:

“‘Honor killings’ were perpetrated across the country in 2008, with particularly gruesome cases reported from Sindh and Balochistan provinces. In one case, five women were reported to have been shot and buried alive for marrying against their families’ wishes.

“Despite condemnation from human rights groups, Israrullah Zehri, a senator from Balochistan province who publicly defended honor killings as ‘tribal custom,’ and legislator Hazar Khan Bijrani, accused of presiding over a tribal jirga (council) that in 2006 ordered the handing-over of five girls, aged six and younger, as ‘compensation’ in a dispute, were elevated to Pakistan's cabinet by President Zardari in November 2008.” [13a] (Discrimination)

23.44 Between January and December 2008, 472 women were killed in so-called “honour” killings, 1,516 were murdered and 123 cases of attempted murder were recorded. There were a total of 7,733 recorded cases of violence against women in 2008. (Aurat Foundation, 2008 annual report, 17 February 2009) [57b] The *Daily Times* reported on 14 November 2008 that “According to statistics tabled in the Lower House, the total number of honour killings cases [from 2005 to 2007] is 1,019.” [55b] The main motives for murders and “honour” killings were suspecting the woman of having an illicit relationship or because of her choice of marriage partner. The perpetrators for most “honour” killings were the woman’s brother, father or other relative. (Aurat Foundation, 2nd National Quarterly Report) [57a] (p9)

23.45 The Amnesty International Report 2008 for Pakistan stated that “The NGO Aurat Foundation said that in the first ten months of 2007 in Sindh alone, 183 women and 104 men were murdered for supposedly harming family ‘honour’.” [4a] (Violence against women) The USSD Report 2008 noted that “Honor killings and mutilations occurred throughout the country during the year. Some men were also subject to honor killings, though women represent the majority of victims. Statistics on honor crimes were unreliable due to underreporting, but there were 476 killings of women reported between January and May.” [2k] (Section 5)

- 23.46 The Freedom House Freedom in the World 2008 Country Report on Pakistan, observed that:

“According to the HRCP, at least 636 women were killed by family members in so-called honor killings in 2007, although other local rights groups suspect that the actual number may be much higher, and many more are otherwise humiliated or mutilated. Government-backed legislation enacted in 2005 introduced stiffer sentences and the possibility of the death penalty for honor killings. However, given a prevailing environment in which authorities do not aggressively prosecute the perpetrators of violence against women, activists questioned the effectiveness of the bill.” [19a]

- 23.47 The USSD Report 2008 also noted that a 2005 law established penalties for honor killings. However, the report noted “Human rights groups criticized the legislation because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges, a law known as ‘qisas’ and ‘diyat.’ Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.” [2k] (Section 5)

- 23.48 Human Rights Watch noted in their submission to the Human Rights Council, 5 May 2008, that “According to Pakistan's Interior Ministry, there have been more than 4,100 ‘honor killings’ since 2001” and also noted that “provisions of the Qisas and Diyat law which allow the next of kin to ‘forgive’ the murderer in exchange for monetary compensation remain in force, and continue to be used by offenders to escape punishment in cases of so-called honor killings. Such laws which in effect allow men to pay to kill women act as no deterrent to those who would engage in so-called honor killings.” [13d]

- 23.49 In a Response to Information Request (RIR) regarding single women, dated 4 December 2007, the Immigration and Refugee Board of Canada (IRB) noted:

“South Asian Media Net, an independent website providing news, information and analyses covering the South Asian region, indicates the following in its analysis of the situation of women in Pakistan:

“The social and cultural context of Pakistani society is predominantly patriarchal... Since the notion of male honor and izzat (honor) is linked with women's sexual behaviour, their sexuality is considered a potential threat to the honor of the family. Therefore, women's mobility is strictly restricted and controlled through the system of purdah, sex segregation, and violence against them. The South Asian Media Net adds that because women lack the skills to compete for employment in the public arena, they end up socially and economically dependent towards men. Purdah, which translates to ‘screen’ or ‘veil,’ represents the practice of secluding women from public life by having them wear concealing clothing and by using barriers such as walls, curtains and screens in the home which, as a consequence, has deprived women of economic independence.” [12j]

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Rape

See subsections on the [Women's Protection Act](#) and Section 11, subsection on [Hudood Ordinances](#) for changes on legislation with regard to rape; also see subsection above on [Honour Killings](#))

23.50 The USSD Report 2008 stated that "There were no reliable national statistics on rape, due to the serious underreporting of the problem. Local observers noted that rape was among the most taboo human rights violations in the country." [2k] (Section 5) However, the Aurat Foundation recorded 439 cases of rape and 307 cases of gang-rape, between January and December 2008, in its 2008 annual report. [57b]

23.51 The USSD Report 2008 further noted:

"Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in a case in which a marriage between the perpetrator and victim was contracted but not solemnized. Although rape was frequent, prosecutions were rare. Estimates were that victims reported fewer than 10 percent of rape cases to the police due to social norms and the fear of repercussions. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance... The punishment for rape ranges from 10 to 25 years in prison and a fine at a minimum, or the death penalty at a maximum. The penalty for gang rape is either death or life imprisonment, but sentences were often much lower." [2k] (Section 5)

23.52 The report also recorded:

"In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases. Women's rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced." [2k] (Section 5)

23.53 The same source continued:

"Police were at times implicated in rape cases. Police often abused or threatened victims and demanded they drop charges, especially when the accused had bribed police. Police demanded bribes from some victims prior to registering rape charges, and investigations were often superficial. NGOs reported that some police stations stopped recording rape complaints. Medical personnel did not have sufficient forensics training, which further complicated prosecutions." [2k] (Section 5)

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ASSISTANCE AVAILABLE TO WOMEN

Government Assistance

23.54 The USSD Report 2008 noted that in 2005 the authorities expanded the number of women's police stations "...with all female staff in response to

complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations.” [2k] (Section 1c)

See also Section 9: [Police](#)

- 23.55 With regard to the availability of centres to assist women, the USSD Report 2008 commented that:

“The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. There were approximately 70 district-run shelter homes and approximately 250 facilities operating as ad hoc emergency shelters for women in distress, including female police stations and homes run by the provincial Social Welfare departments. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. In some cases at the government-run shelters, women were abused. There were five non-governmental shelters, one each in Islamabad, Lahore, and Multan, and two in Karachi.” [2k] (Section 5)

- 23.56 On the subject of women’s crisis centres, the website of the Ministry of Women Development, last updated in July 2006, stated that 10 such centres were in place in Islamabad, Lahore, Sahiwal, Vehari, Rawalpindi, Mianwali, Peshawar, Kohat, Quetta and Karachi. In addition 10 crisis centers are to be established in Faisalabad, Sialkot, Bahawalpur, Hyderabad, Mirpur, Sibi, Abbottabad, Multan, Mirwala and Nawabshah. The centres were being run with local NGOs. The site also provided a list of services provided by the centres:

- Medical aid
- Legal Aid
- Social Counseling
- To investigate cases of violence/case history
- Establishing linkages with law enforcing agencies/police complaint cells
- Training of micro-credit entrepreneurship
- Rehabilitation through micro finance
- Provision of interest free credit up to Rs. 15000/- in each case” [29h] (Crisis Centre – Shelter Home)

- 23.57 However an article in the Inter Press Service News Agency dated 8 March 2007 reported that help centres to assist women “...were established and managed by the federal ministry of women development (MoWD) in different cities ‘to provide relief/support on emergent [sic] basis and rehabilitate the survivors of violence and women in distress’ ...The fact that these centres have been opened shows the government does acknowledge an important human rights issue though implementation is poor.” [7]

- 23.58 The same article observed: “Considering that Pakistan is a country where violence against women is all pervasive, one should find a flurry of activity at the women’s centres -- of the phone ringing incessantly, of psychiatrists attending to battered women and of lawyers preparing briefs. Instead the centres are deserted.” In commenting on the centre in Karachi the article continued, quoting a lawyer working for a local NGO, that the lack of women

attending the centre was down to poor commitment, co-ordination and a lack of guidelines. Additionally the centre lacked resources to provide basic services, like food and toiletries. The article also observed that of the four centres in the province of Sindh, the Karachi centre was the only one functioning. [7]

- 23.59 Following correspondence with a representative of Shirkat Gah Women's Resource Centre, a civil society organization in Pakistan promoting and advocating women's rights, the IRB noted in a Response to Information Request on single women living alone, dated 4 December 2007:

"[That] women always have to face criticism by the society and survival for single woman not having support from the family becomes toughest. This complexity coupled with the lack of information and access to State support institutions have intertwined to suppress women from taking steps for themselves. At governmental level there does not exist community social support centres thus resulting in confining women to abusive relationships lacking ability to resist violations... Government run shelters lack appropriate measures as they aim at providing temporary stay and also there have not been any policy measures for rehabilitation of these women when the duration of stay expires." [12j]

- 23.60 The same source noted, with regards to women moving from rural to urban areas to find employment, that "They [the women] face a number of challenges including lack of working women hostels, procedural complications in getting admission and negative societal attitudes towards these women hostel[s]. In Lahore (second largest city of Pakistan) alone where government estimates now put the population at somewhere around 10 million, there are only two working women hostels and very few private ones." [12j]

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Non-Governmental Organisations (NGOs) assistance

- 23.61 The USSD Report 2008 stated "Numerous women's rights NGOs such as the Progressive Women's Association, Sehar, Struggle for Change, War against Rape, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence, the Hudood Ordinance, and honor crimes." [2k] (Section 5)
- 23.62 The website of the NGO, Lawyers for Human Rights and Legal Aid (LHRLA), under its section on Current Projects webpage provides detail on a protection service centre available in Karachi (undated), which included:

"Hotline services for the victims of abuse; Counselling and psychotherapy of victims by trained clinical psychologists; Documentation of cases of abuse; Databases of all the service providers for children and women to be used for referral services; Legal aid; Women's desk - a separate desk will be set up to deal with the problems of women. It will be staffed by women and provide legal, psychological and rehabilitative services to survivors of different traumas and abuses; Missing children databases for the benefit of families; LHRLA

plans to provide counselling and protection service centres for juvenile prisoners.” [68]

- 23.63 The website of the Progressive Women’s Association (PWA) stated that the ‘AASRA - The Shelter’, in Rawalpindi, was established in 1999, to assist domestic violence victims. [69a] **(The Shelter)** In addition the PWA claimed to have “facilitated over 17,000 cases of abuse against women since 1987” and provided the following assistance “Filing their criminal cases with the police; Finding attorneys to take their cases through the court system, offering legal assistance; Providing emotional and moral support; Offering alternatives for residential living situations; Providing organizational and Governmental contacts for them.” [69b] **(What We Do)**

See also Section 25: [Trafficking](#) and [Section 17: Human Rights Institutions, Organisations and Activists](#)

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24. CHILDREN

OVERVIEW

- 24.01 The Pakistan Overview on UNICEF's website, accessed on 1 October 2008, summarised the position of children in Pakistan:

"Children in Pakistan face a variety of serious challenges ranging from malnutrition and poor access to education and health facilities to exploitation in the form of child labour. Their low status in society can leave them victim to daily violence at home and in school as well as to organised trafficking and sexual exploitation. Girls are specially affected as conservative attitudes may impede them attending or finishing school. Recent natural disasters have increased the vulnerability of thousands of children. In 2005 a devastating earthquake killed an estimated 73,000 people, leaving 3.3 million people homeless." [72a] (Background)

- 24.02 The same source indicated that children face considerable difficulties in Pakistan. It observed that:

"One in ten children does not survive their fifth birthday... Thirty per cent of children are chronically malnourished and lack safe water and household sanitation, especially in rural areas. Pakistan spends less than 2.5 per cent of its GDP on the education sector. Just over half of the 19 million children of primary school going age are enrolled in primary education. Compared to 58 per cent of boys, there are 48 per cent of girls enrolled in primary school. Just over a third of Pakistani women are literate. An estimated 3.6 million children under the age of 14 work, mostly in exploitative and hazardous labour" [72a] (Background)

- 24.03 However the UNICEF Pakistan Annual Report 2007 noted some positive achievements affecting children:

- "Thirty-two million under five years of age children were vaccinated against polio and 30 million children under 13 years of age against the measles.
- About 96 per cent or 220,000 children under 13 years of age were vaccinated against measles in flood-affected areas, helping to prevent outbreaks of this communicable disease.
- Thirty million children were given Vitamin A supplements.
- Sixty-nine health facilities in 11 districts were upgraded to provide emergency obstetric care.
- Therapeutic [sic] feeding centres in earthquake and flood affected areas served about 69,000 malnourished mothers and children.
- More than 320,000 girls received safe drinking water and sanitation at primary schools.
- Over 96,000 girls enrolled in first grade in focus districts in the provinces of Balochistan, Sindh and the North West Frontier Province.
- Over 150,000 primary school teachers in Punjab Province received training.
- Nearly 1,000 trained service providers offered psychosocial rehabilitative and reintegration services to 32,000 children including 5,000 girls in eight districts in the four provinces.

- Birth registrations for over 85,000 children were completed in earthquake-affected areas.” [72b] (p6)

See subsection [Health and welfare](#)

- 24.04 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted:

“The government made some progress during the year in defending children's rights and welfare through its laws and programs, but problems remained. Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. The Society for the Protection of the Rights of the Child (SPARC) reported children as young as 12 were arrested under the Anti-Terrorism Act. Children convicted under this act are subject to the death penalty.” [2k] (Section 5)

- 24.05 The Society for the Protection of the Rights of the Child (SPARC) website, accessed 28 March 2008, recorded that:

“On November 12, 1990, Pakistan ratified the UN Convention on the Rights of the Child [UNCRC] and it entered into force on December 12, 1990. At the time of ratification, Pakistan made a general reservation that the provisions of the UN CRC shall be interpreted according to the principles of Islamic Laws and values. The reservation was withdrawn on July 23, 1997. However... conventions are not enforceable in Pakistan until there is enabling legislation making them law of the land. Pakistan has not introduced any such law... On October 31, 2001, Pakistan signed the Optional Protocol to the UN CRC on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on Involvement of Children in Armed Conflict. These have yet to be ratified.” [71b] (Child rights)

Basic legal information

- 24.06 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated an “... ‘adult’ means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty.” [14b] (p1) The voting age in Pakistan is 18 years old (Commonwealth Parliamentary Association, last updated 27 March 2008) [70] The legal age of marriage for men is 18 years old, and 16 years old for women. (USSD Report 2008) [2k] (Section 5) However the Society for the Protection of the Rights of the Child report the State of Pakistan's Children 2006 (SPARC Report 2006) observed that under Muslim Law “any person who has attained puberty is entitled to act in the matter of marriage on attaining the age of 15 years.” [71a] (p202) Recruitment for military service and regular commission in the Pakistan Army may start at 17 years old for soldiers and officers. (Coalition to Stop Child Soldiers, Child Soldiers Global Report 2008) [16] However, the CIA World Factbook, updated 5 March 2009, stated that recruitment for military service started at 16 years old although soldiers could not be sent into combat until they were 18 years of age. [34] (Military) It is illegal to employ children under the age of 14 years in factories, mines, railways and other hazardous occupations. (USSD Report 2008) [2k] (Section 5) The criminal age of responsibility is 7 years old. (SPARC Report 2006) [71a] (pxvii)

See Section 10: [Military Service](#); Section 23: [Women](#)

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CHILD RIGHTS – CIVIL RIGHTS AND FREEDOMS

24.07 On 23 May 2006, the government approved the second National Plan of Action for children (NPA). The NPA, produced by the National Commission for Child Welfare and Development (NCCWD) (part of the Ministry of Social Welfare and Special Education, Pakistan) and the United Nations Children's Fund (UNICEF), "is a commitment of the Pakistan government towards its children over a period of one decade." In a presentation to SPARC in December 2006, the director of the NCCWD highlighted the aims of the National Policy and Plan of Action for Children, which were, in brief:

- Put children first
- Fight poverty: investment in children
- Leave no child behind
- Care for every child
- Educate every child
- Protect children from harm and exploitation
- Protect children from war
- Combat HIV and AIDS
- Listen to children and ensure their participation
- Protect the earth for children (SPARC Report 2006) [71a] (pxxiii)

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Domestic legislation

24.08 *The Nation* reported on 10 September 2008 that the National Child Protection Policy and Child Protection Bill were due to be tabled before parliament in the next two months by the Ministry of Social Welfare and Special Education. The article noted that "The National Child Protection Policy will be extended all over the country whereas the Child Protection Bill will be implemented only in Islamabad Capital Territory." [79]

24.09 On marriage law, the USSD Report 2008 observed that:

"Despite laws barring child marriages, there was evidence it occurred. In March [2008], the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage." [2k] (Section 5)

See also subsection on [Forced marriage](#); and [Section 23: Women, subsection Family laws: marriage, divorce and inheritance](#)

24.10 Regarding child labour, the USSD Report 2008 stated:

“The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem. The law makes bonded labor by children punishable by up to five years in prison and up to 50,000 rupees (approximately \$635) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag picking, port areas, fireworks, and other hazardous occupations, and regulates their work conditions under the law. The government has identified four occupations and 34 processes considered illegal for children, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

“The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. No child is allowed to work overtime or at night and should be guaranteed one day off per week. In addition, the law requires employers to keep a register of children working for them, for examination by labor inspectors. These prohibitions and regulations do not apply to family businesses or government schools. The law protects all children under age 18 from exploitation, and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law.

“Enforcement was a serious problem. According to HRCP and SPARC, there were 10 to 11.5 million child laborers, many of them in agriculture and domestic work. The media reported that approximately 70 percent of non-agricultural child labor took place in small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities employing fewer than 10 persons. The Ministry of Labor, Manpower and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. Authorities say violations are immediately cited and prosecuted, but tacitly agree enforcement efforts are not adequate to meet the scale of the problem. Inspectors also have little training, insufficient resources, and susceptibility to corruption. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

“The law allows fines of up to 20,200 rupees (\$256) for violations of child labor laws. Authorities often did not impose penalties on violators during the year, and when they did the penalties were not a significant deterrent. Although law enforcement authorities obtained hundreds of convictions for violations of child labor laws, the fines the courts levied ranged from an average of 364 rupees (\$5) in the NWFP to an average of 7,344 rupees (\$93) in Balochistan.”
[2k] (Section 6d)

24.11 The USSD Report 2007 noted:

“The law prohibits forced or bonded labor, including by children; however, the government did not enforce these prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act [BLAA] outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by

children punishable by up to five years in prison and up to \$825 (50,000 rupees) in fines.” [2h] (Section 6c)

See also subsection [Forced labour](#) and Section 34: [Employment Rights](#)

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Judicial and penal rights

24.12 Amnesty International stated in its Annual Report 2008 for Pakistan (covering events between January and December 2007) that “The number of juvenile courts remained inadequate. Children continued to be tried and detained along with adults. Children were detained under the collective responsibility clause of the Frontier Crimes Regulation in the tribal areas for offences committed by others, a clear violation of the prohibition in international law of collective punishment.” [4a] (Children’s rights ignored)

24.13 Human Rights Watch stated in their report ‘Enforcing the International Prohibition on the Juvenile Death Penalty’, dated 30 May 2008, that:

“The Juvenile Justice System Ordinance of 2000 bans the death penalty for crimes committed by persons under 18 at the time of the offense, and requires juvenile courts to order a medical examination when a defendant’s age is in doubt. The ordinance was reportedly extended to apply to Azad Jammu and Kashmir until 2003, and to the Provincially Administered Tribal Areas and the Federally Administered Tribal Areas in late 2004. However, implementation remains very limited because many areas lack the underlying courts and other structures called for in the law... Pakistan’s Supreme Court sometimes rejected death penalty appeals by juvenile offenders when their age was not recorded at the time of the original trial” [13e] (p16)

24.14 Amnesty International stated in their Annual Report 2008 for Pakistan that at least one child offender was executed in 2007, though an adult by the time of his death. The report noted “Muhammad Mansha was executed in Sahiwal in November [2007]. He had been sentenced to death in March 2001 for a murder committed when he was around 15 years old.” [4a] (Death penalty)

24.15 The USSD Report 2007 recorded:

“Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that approximately 1,900 to 2,000 children were in prison at the end of the year. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of 18. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. The appeal against a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance remained pending. The ordinance was a separate procedural code for accused juveniles that provided numerous protections for juvenile offenders not found in the normal penal code. The ordinance remained poorly implemented; in September [2007]...a new Juvenile Justice Court became operational in Faisalabad.” [2h] (Section 1c)

24.16 The Pakistan government is obliged to provide free legal aid to juvenile offenders under section three of the Juvenile Justice System Ordinance. [67b] (p78) However, the ACHR South Asia Human Rights Index 2008 stated “[that] most offenders continue to be denied access to legal aid primarily due to the failure of panel of lawyers to provide legal aid.” [67b] (p78)

24.17 The SPARC report, State of Pakistan’s Children 2006, observed that:

“Due to a lack of Borstal Institutions children continue to stay in the adult prisons...Sheikhupura jail had the worst living conditions in Punjab. The juvenile offenders have now been transferred to the newly built section of the jail where they have plenty of free space to play. The most remarkable improvements have been made in Lahore. Children have tiled floors and beds to sleep on. This was possible because of the good will of the Superintendent of the jail. Children have plenty of space to play. They have access to education and vocational training program as well. Children in Adiala Jail, Rawalpindi, are also living in considerably good condition because there are a large number of NGOs working inside the prison. Children are involved in sports activities as well. Considerable improvements have been made in Haripur Jail (NWFP) and Karachi Youthful Offenders School (Sindh)...” [71a] (p158)

24.18 The same report further noted:

“However, in most of the cases, the conditions of detention are hostile and inappropriate. The children are confined to separate cells with limited space. These small cells are unclean, dark and unhygienic. In some cases, juvenile offenders are detained in the shabbiest part of the prison as in the case of Muzaffargarh, Rajanpur and Dera Ghazi Khan. Children in District Jail Sargodha and District Jail Sialkot are kept in extremely poor conditions. In both cases, children are kept in small cells meant for the prisoners who are facing death sentence. Six to eight children share a cell which has an open toilet, inside, making it unhygienic and humanly impossible to live in the intense heat of June and July. Other harsh measures in the juvenile cell as well as in the Borstal Institutions include the use of corporal and degrading punishments which are prohibited by the JJSO [Juvenile Justice System Ordinance] but are used frequently.... They have [a] monotonous daily routine [...] The complaint mechanism is flawed giving no option to the juvenile inmate to lodge complaints against the authorities. A medical team, which interviewed 200 children in the Youthful Offenders Industrial School in Karachi, found that almost 60 percent of the boys had been subjected to serious torture, including ‘severe beatings, electric shocks, hanging and ‘cheera’ (forced stretching apart of the legs, sometimes in combination with kicks to the genitals).’ Children who are kept in the adult prisons are more vulnerable to abuse and ill-treatment by the authorities as well as by the adult prisoners.” [71a] (p158-159)

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CHILDCARE AND PROTECTION

24.19 UNICEF reported in their Pakistan Annual Report 2007 that “Training in child protection and juvenile justice was provided to 1,160 officials (against an original target of 500), including lawyers, judges, jail staff and the police. A

child rights and protection module was introduced into training courses and a child protection unit established for the Balochistan police force in the provincial capital Quetta. This was replicated in Pakistan Administered Kashmir.” [72b] (p33)

24.20 The same source added:

“[that] 996 trained service providers offered friendly, confidential and appropriate rehabilitative and reintegration protection services to 5,000 girls and 27,000 boys, considerably exceeding the target of 23,500 children in seven focus districts in the four provinces. Facilities include 16 drop-in centres and three outreach centres in Faisalabad, Karachi, Lahore, Larkana, Mardan, Peshawar and Quetta. These centres provide family counselling, behaviourally specific life-skills training, nonformal education, psycho-social and counselling support, legal aid and personal hygiene support, and referral services to street children, runaways and other vulnerable children. Nine free-access telephone help-lines for women, children and adolescents have been established in the cities mentioned above.” [72b] (p33)

24.21 The Child Protection and Welfare Bureau, an independent organisation under the administrative control of the Home Department, Government of Punjab, was established in accordance with the Punjab Destitute and Neglected Children’s Act, 2004. [64a] The Child Protection and Welfare Bureau offer a range of services to support children and families including the Child Protection Unit for the “...rescue, recovery, custody, rehabilitation, reintegration and follow up of destitute & neglected children”; [64b] Child Help Line, a 24 hour, seven day week telephone helpline; [64c] and Open and Mobile Reception Centers which provide “...care, support, information & help to... children...” [64d] [64e]

24.22 With regards to child sexual abuse and the law protecting victims, SPARC recorded on its website that:

“The Pakistani criminal justice system does not deal with sexual offences against children any differently than sexual offences against adults. Pakistan Penal Code and Hudood Ordinances of 1979 can be used to prosecute some child sexual abuse cases. The Pakistan Penal Code [PPC] provisions used to prosecute sexual abusers directly for rape and sodomy. Murder and kidnapping cases are also used to punish offenders less directly. Section 376 on rape of women prescribes a punishment of death or imprisonment not less than ten years or more than twenty five years with [a] fine also. Section 377 covers sodomy and gives a punishment of 2-10 years. Section 254 covers sexual harassment but the maximum punishment is only two years imprisonment.

“The most significant development recently is the adoption of the Protection of Women (Criminal Laws Amendment) Act, 2006. The Act makes several changes in the law. The offence of rape (zina-bil-jabr) and the punishment for it have been deleted from the zina ordinance and restored to the PPC as sections 375 and 376. The offence has been defined as an act forcibly committed by a man upon a woman, thus obliterating the pre- 1979 implication in the PPC that a male could also be raped. Consent of the woman will not be a defense if she is less than 16 years of age. Punishment for rape will be death or imprisonment for 10 to 25 years. The procedure for rape and gang-

rape cases will be governed by the Code of Criminal Procedure (CrPC). Cases will be heard by normal courts of criminal jurisdiction as was done earlier but now appeals also will be filed in normal courts and not the [Federal Sharia Courts] FSC. Zina liable to Tazir punishment [administered at the discretion of a judge rather than as defined by the Quran or Hadith] has been shifted to the PPC. The offence is bailable and punishment is imprisonment for up to 5 years. All complaints will be made through private complaints supported by two adult, male, Muslim witnesses..." [71c] (**Protection for Victims of Child Sexual Abuse in the Law**)

See Section 23: Women, subsection [Women Protection Act \(WPA\)](#) and [Children's homes](#)

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Violence against children

24.23 The USSD Report 2008 recorded that:

"Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitored child abuse reported 1,417 cases by the end of November, down from 2,650 in 2007. Seventy percent of child abuse cases involved female victims. Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined children illegally, kept them in unhealthy conditions, and physically or sexually abused them." [2k] (**Section 5**)

See also subsection Education: [Madrassas](#)

24.24 In the article "Child abuse 'growing' in Pakistan" dated 18 January 2008, BBC News reported that, according to a report by a Pakistani NGO, Lawyers for Human Rights and Legal Aid (LHRLA), "Children in Pakistan are increasingly exposed to abuse, kidnapping and violence" while "The number of reported cases involving children has more than doubled from 617 in 2006 to 1,595 last year... Poor law enforcement and old social attitudes towards children's rights are some of the reasons to blame." The LHRLA representative estimated that more than 80% of cases went unreported. The article also added that official apathy meant that parents preferred to bargain with kidnappers rather than approach the authorities, and that reporting child abuse remains taboo in large parts of Pakistan. [35p]

24.25 *The Nation* reported in an article dated 10 September 2008 that "According to the data available with the Ministry of Social Welfare and Special Education approximately 35,000 children are estimated to be living on the street in four major cities of Pakistan without any family links, making them vulnerable to violence, torture, sexual abuse and exploitation." [79]

24.26 HRCP recorded in their State of Human Rights in 2007 report that: "Physical abuse of children is widespread... Corporal punishment was widely practiced in schools, often to the extreme of causing injuries such as broken bones. There were also many reported cases of sexual abuse and a general inadequacy of protection of the most vulnerable children... In addition, suicide among children is a growing problem." [27a] (p165, **Children; Child protection**)

24.27 The SPARC 2006 Report commented that:

“According to Cruel Numbers 2006, a report published by the NGO Sahil, as many as 2,447 [children] that includes 1,794 girls and 653 males were victims of violence throughout Pakistan as reported in the media and cases handled by the NGO directly. Majority of the crimes committed against these children were that of abduction for sexual purposes and sodomy. Regrettably so, the incidents of children committing suicides are also on the rise in Pakistan. The factors responsible for this are poverty, frustration, lack of understanding and support from parents, teachers, and a major reason is the criminalization of the society as a whole. The easy access and availability of arms, the rise in the power of fanatics, the threatening posture of these elements and using children for their ulterior motives, and a lack of accountability at any level has also played an important role in the increased violence against children as well as in the society.” [71a] (p177-178)

24.28 The same source provided a breakdown of the total cases of violence against children into sub-categories, which included 704 murders, 637 cases of sexual abuse, 41 cases of Karo Kari, 1008 cases of kidnapping and 96 cases of police torture. [71a] (p186)

24.29 Amnesty International's Annual Report 2008 on Pakistan stated that: “Girls and women were increasingly targeted for abuses in the areas along the border with Afghanistan under Taleban control.” [4a] (Violence against girls and women)

See also Section 23: Women, subsection [Rape](#); and for treatment of children in prison see subsection on [Judicial and penal rights](#) above

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Forced marriage

24.30 In the SPARC Report 2006, it was noted “In a large number of areas, girls are married off by age 12 and 13 burdening the little girl with the responsibility of house work, child bearing and rearing, taking care of the demanding in-laws and fulfilling family obligations before she has outgrown her own childhood.” [71a] (p68) The same source added that “traditions and customs play an important part in the life of the people...being predominantly patriarchal, women and girl child are the worst sufferers of these traditions such as Karo Kari, Swara, Vani and child marriages.” [71a] (p195)

24.31 The USSD Report 2008 stated that:

“Despite laws barring child marriages, there was evidence it occurred. In March, the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage.” [2k] (Section 5) The Freedom House Freedom in the World 2008 Country Report echoed these concerns and stated “Despite legal bans, other forms of child and forced marriage continue to be a problem.” [19a]

24.32 On 15 June 2008, IRIN reported that:

“Statistics compiled by the Islamabad office of the International Population Council, headquartered in the US, reveal that 58 percent of rural females in Pakistan are married before the age of 20, a large number before reaching the legal age of 16. Exact numbers are not available, due to a lack of research and the tendency among families to lie about age when registering marriages. Indeed, many are not registered at all. In urban areas the ratio is 27 percent. Overall, the council reports, 32 percent of married women in Pakistan aged 20-24 were married before reaching 18. Of the provinces, Sindh, in the south, has the highest percentage of early marriages among females, while the Punjab, the most developed, has the lowest.” [41c]

24.33 The same source noted that a recent ‘jirga’ (council of tribal elders) in the village of Chach, Sindh province, “...decided that 15 girls, aged between three and 10 years, from the Chakrani tribe, would be married to men from the rival Qalandari tribe to settle an eight-year-old feud... The Sindh and federal governments have been approached to intervene in the matter but have not yet announced action.” [41c]

24.34 Amnesty International stated in their Annual Report 2008 on Pakistan that “The higher judiciary on several occasions ordered the prosecution of people responsible for swara, the handing over of a girl or woman for marriage to opponents to settle a dispute. The practice was made punishable with up to 10 years’ imprisonment by a 2005 law, but continued to be widespread.” [4a] (Violence against women)

24.35 The ACHR South Asia Human Rights Index 2008 reported that “The girl child continues to be considered as the ‘personal property’ of the family and used as a means to settle debt or family dispute.” The report gave instances where such practices had occurred. [67b] (p77)

See also Section 23: Women subsection Socio-Economic Rights

Forced labour

24.36 The USSD Report 2008 noted that “The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem.” [2k] (Section 5)

24.37 On the issue of bonded labour of children, the USSD Report 2008 noted that “Children were forced to work in the brick kiln and carpet weaving industries as well as in agriculture as part of their family's obligation to their feudal overlord.” [2k] (Section 6d) The same source added “Bonded labor of children in brick kilns, rice mills, and textile factories remained a serious issue. In some cases families sold the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases they were kidnapped.” [2k] (Section 5) The SPARC 2006 Report observed that between 2001 and 2003, 41,218 children were trafficked between rural and urban areas in the province of Sindh. The principal reason for this was forced labour. [71a] (p63)

24.38 The USSD Report 2007 stated:

“The International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) continued programs in the carpet weaving, surgical instrument, rag-picking, and deep sea fishing industries as well as a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the government, ILO IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. The government cooperated with the ILO and shared part of the cost. A few members of the Ministry of Labor provided technical assistance to ILO in implementing this program.” [2h] (Section 6d)

See also Section 25: [Trafficking](#); and subsection [Domestic legislation above](#)

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Children's homes

- 24.39 The National Commission for Child Welfare and Development (NCCWD) stated in their undated factsheet on Street Children, accessed on 27 June 2008, that there are more than 250 orphanages in Pakistan, including SOS villages. The homes provide shelter not only to orphans, but to children who have been abandoned by their parents. [29i]
- 24.40 SOS Children's Villages' country overview of Pakistan, undated reported that “... there are eight SOS Children's Villages in Pakistan, one SOS Children's Home, six SOS Youth Facilities, seven SOS Hermann Gmeiner Schools, four SOS Vocational Training Centres, four SOS Social Centres, two SOS Medical Centres, and two SOS Emergency Relief Programmes.” [28b] The same source, accessed on 25 January 2008, stated that the charity has seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarabad and Sialkot, offering schooling, medical services and vocational training to those in need. [28a]
- 24.41 The Child Protection and Welfare Bureau, Punjab, stated that it had opened five Child Protection Institutions for the temporary and long-term care of destitute and neglected children. The Institutions provide children with “...high quality residential, educational, vocational and recreational facilities.” [64f]
- 24.42 The Edhi Foundation, the largest welfare organisation in Pakistan, noted on their website that they provided “Jhoolas” (baby cradles) at most of the Edhi emergency centres, a service where unwanted infants can be left. The abandoned babies are given shelter in Edhi homes and later put up for adoption. [10a] (Edhi Foundation Services) The website listed 112 Edhi Foundation Centres across Pakistan. [10b] (Contact Edhi Foundation) The same organisation also ran homes for destitute orphans and runaways. The source stated there were 13 homes across Pakistan, seven of which were in Karachi. [10a] (Edhi Foundation Services)

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EDUCATION

- 24.43 Europa World Online, accessed 12 February 2008, noted that “Universal free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of 10, is divided into two stages, of three and four years respectively.” [1] (Education) Europa recorded the adult literacy rate in 2004 as 49.9 per cent (males 63 per cent, females 36.02 per cent). [1] (Statistics: Education) The SPARC Report 2006 recorded that, based on the National Education Census of 2006, there were over 245,000 educational institutions in Pakistan, over 164,000 in the public sector, 81,103 private. Of the total number of schools, over 12,000 institutions were “non-functional.” [71a] (p102)
- 24.44 The SPARC 2006 report, quoting ‘Education Reform in Pakistan Building for the Future’ edited by Robert Hathaway (2005), stated:
- “Pakistan’s education system is regularly cited as one of the most serious impediments preventing the country from achieving its potential. The United Nations Development Program’s Human Development Report gives Pakistan the lowest “education index” score for any country outside Africa. According to the International Crisis Group, Pakistan is one of only 12 countries in the world that spends less than 2 percent of its GDP on education. The adult literacy rate in Pakistan is under 50 percent, while less than one-third of adult women have a functional reading ability. The population of Pakistan makes it the sixth most populous nation and almost half of its total population of over 160 million comprises children less than 18 years of age and women make up almost 50 percent. An estimated 25 million children are not going to school and approximately 10 million are in child labor. About 20 percent [of] children go to private English medium schools, whereas the huge chunk almost, three quarters of the remaining child population study in public schools. Consequently the rest of the children, who are not attending either the private or the public schools are in the madrassah. There is no data quoting the exact number of children attending the madaris. But it is no doubt a substantial number.” [71a] (p97)
- 24.45 The USSD Report 2008 stated that:
- “Local laws do not mandate free public education, and schools generally charge tuition. Although some provincial governments such as Punjab’s passed laws requiring free public education, many public schools continued to charge tuition and fees for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use madrassas. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.” [2k] (Section 5)
- 24.46 The USSD Report 2007 recorded:
- “According to UNICEF, 56 percent of primary school-age children were in school, although school enrollment rates dropped to 31 percent for boys and 23 percent for girls by the time children reached secondary school. The national literacy rate of 50 percent showed a significant gap between males (64 percent) and females (35 percent) due to historical and societal

discrimination against educating girls. In the FATA, literacy rates were significantly lower, with literacy rates for females as low as 3 percent compared to the overall rate of 17 percent. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.” [2h] (Section 5)

- 24.47 The SPARC Report 2006 added that there was a serious gender gap, which was:

“...getting worse with the continued burning and arsonist activities being carried out in some of the areas of North West Frontier Province (NWFP). A number of girls’ schools have been bombed, closed down or threatened with dire consequences. In some schools, girls are being forced to wear Burqas (veils) if they want to continue schooling. The situation has gotten even worse, since the Taliban style extremists threatened the private co-ed schools to either close down or face the consequences.” [71a] (p97)

- 24.48 IRIN reported on 16 September 2008 that militants in the North West Frontier Province had destroyed 103 schools in the province, 99 per cent of which were girls’ schools. The article noted “Pro-Taliban militants have burnt shops and girls’ schools, which they claim are spreading ‘vulgarity’...” This has resulted in about 14,000 girls being out of school, adding to the estimated 50,000 children already unable to get an education because of the scarcity of places. [41e]
- 24.49 On 4 March 2009 IRIN reported that “Girls who had not been going to school in Swat Valley, North West Frontier Province (NWFP), since militants declared a ban on female education at the end of December 2008, have been tentatively returning. Several days ago, the NWFP provincial government reached a deal with Tehrik-e-Nifaz-e-Shariah Mohammadi (TNSM), whereby elements of Islamic law would be enforced and schools reopened.” However, due to the fighting, many teachers left Swat so now there aren’t enough to teach in the schools. Also, some parents are still too frightened to allow their children to return to school. [41f]
- 24.50 The SPARC Report 2006 observed there was variation of enrolment in schools of children aged 5 to 12 that varied between urban and rural areas, and between provinces with Punjab having the highest proportion of children attending school, and Balochstan the lowest. Girls were less likely to go to school than boys in all provinces and in both urban and rural areas. [71a] (p111-112)

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Madrasahs

- 24.51 On the availability and services by madrasah (religious schools) the USSD Report 2007 noted that:

“Madrasahs, which fall under the Ministry of Religious Affairs rather than the Ministry of Education, served as an alternative to the public school system in many areas. Many madrasahs failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment.... The government continued its efforts to modernize madrasah

education during the year. In 2005 an agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum in those madrassas that were registered. At year's end [2007] approximately 10,000 of the estimated 15,000 madrassas were registered." [2h] (Section 5)

24.52 The USSD IRF Report 2008 stated that:

"According to the Religious Affairs Ministry, approximately 11,000 of an estimated 13,000 to 15,000 madrassahs had registered by the end of the reporting period....

"In December 2005 President Musharraf laid out the framework for cooperative registration of madrassahs with the Government, including provision of financial and educational data and a prohibition on the teaching of sectarian or religious hatred and violence. The Government and the independent madrassah boards agreed to a phased introduction of secular subjects, including math, English, and science at all madrassahs. The reform initially stalled due to political upheaval and jurisdictional battles within the previous government. The newly elected coalition government listed madrassah reform as a priority... All wafaqs mandated the elimination of teaching that promoted religious or sectarian intolerance and terrorist or extremist recruitment at madrassahs. Inspectors mandated that affiliated madrassahs supplement religious studies with secular subjects, including English, math, and science. Wafaqs also restricted foreign private funding of madrassahs. Examination concerns remained under active discussion with the Government. Some unregistered and Deobandi-controlled madrassahs in the Federally Administered Tribal Areas (FATA) and northern Balochistan continued to teach extremism. Similarly, the Dawa schools run by Jamat-ud-Dawa continued such teaching and recruitment for Lashkar-e-Tayyiba, a designated foreign terrorist organization... A March 2007 report indicated that unregulated, extremist madrassahs in Karachi continued to thrive in the sprawling city with a large population of young, unemployed men. International Crisis Group reported that after 5 years of trying to reform madrassahs, the Government's program has not fully succeeded, and that extremist groups were operating mosques and madrassahs in the open in Karachi and elsewhere, due to lack of consistent regulation." [2i] (Section II)

24.53 The HRCP State of Human Rights in 2007 report stated that "The problem of abuse in Madressas [sic] was believed to be widespread... [in March 2007] police freed 24 children from a 'mini-jail' in a seminary in the Muzaffargarh district. The children had been held against their will and some had been tortured and sodomised. The problem was brought to the attention of the police only when one of the children was able to escape his captivity." [27a] (p166, Children; Child protection)

24.54 The USSD Report 2008 added "Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined children illegally, kept them in unhealthy conditions, and physically or sexually abused them." [2k] (Section 5)

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HEALTH AND WELFARE

24.55 The USSD Report 2007 noted that:

“Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of five years were caused by easily preventable ailments such as diarrhea [sic] and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys. There were 919 hospitals and 4,632 dispensaries in the country. In addition, there were 907 maternity/child welfare centers.” [2h] (Section 5)

24.56 UNICEF noted in their Overview of Pakistan, undated (accessed on 1 October 2008), that “Pakistan's maternal mortality ratio is estimated to be about 350 and 600 per 100,000 live births as compared to 17 per 100,000 live births in the United States. One in ten children does not survive their fifth birthday with the majority of deaths due to diarrhoea, pneumonia or vaccine-preventable diseases. Thirty per cent of children are chronically malnourished and lack safe water and household sanitation, especially in rural areas.” [72a] (Background)

24.57 The National Institute of Child Health (NICH) is the largest and only children's hospital in Sindh Province, based in Karachi. The hospital provides tertiary care for most paediatric diseases and has a number of departments which include nephrology, endocrinology, neonatology, oncology and psychiatry. [80] (Department Profile) The Child Aid Association (CAA), a voluntary organisation working within the oncology department at the NICH, provided free medicines, support and specialist care to underprivileged child cancer patients. [81a] The CAA noted that in addition to the care provided in the oncology unit, “... 896 patients from other units of NICH were provided totally free or 50% free facility for special investigations and free medicines not available at the NICH.” [81b]

(See Section 26: [Medical Issues](#) and subsection, [Overview](#), above)

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25. TRAFFICKING

25.01 In its introduction the US Department of State Country Report on Human Rights Practices 2008 [USSD Report 2008] recorded that “Widespread trafficking in persons, child labor, and exploitation of indentured and children were ongoing problems...” [2k] (Introduction) “The Federal Investigation Agency's (FIA) anti-trafficking unit had primary responsibility for combating trafficking. An inter-ministerial committee on human trafficking and smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking. Authorities registered approximately 1,300 human smuggling cases during the year. This figure included trafficking cases, because the FIA did not distinguish between trafficking and human smuggling.” [2k] (Section 5)

25.02 The USSD Trafficking in Persons Report 2008 (USSD TIP Report 2008), released in June 2008, also noted:

“The Government of Pakistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Pakistan is placed on Tier 2 for its limited efforts to combat trafficking in persons over the last year, particularly in the area of law enforcement. Although the government continued to prosecute some traffickers, it did not demonstrate efforts to address the serious issues of bonded labor and other forms of labor trafficking, such as forced child labor and trafficking of migrant workers by fraudulent labor recruiters. Punishments assigned to convicted traffickers were also weak. In addition, the government failed to provide protection services to victims of forced labor.” [2d] (p202)

25.03 On legislation that prohibits trafficking the USSD Report 2008 stated:

“The law prohibits domestic and international trafficking in persons; there were reports, however that persons were trafficked to, from, and within the country... Maximum penalties range from seven to 14 years' imprisonment plus fines... By the end of the year, authorities discovered and detained nearly 5,000 individuals attempting to travel on fraudulent exit permits or traveling through illegal routes. The FIA's human trafficking cell estimated that 7,000 to 8,000 people attempted to leave the country via trafficking rings, on forged or fraudulent documents. Through November the FIA arrested 183 agents involved in false attempts to send smuggled individuals abroad. The FIA also issued a 'red book' including the names and addresses of the smuggling agents whom the police had not captured. Although journalists and officials had access to the red book, the general public did not.” [2k] (Section 5)

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Trafficking to and from Pakistan

25.04 The USSD Report 2008 stated:

“The country was a significant source, transit, and destination country for trafficked persons, and internal trafficking was a serious problem reportedly involving thousands of women and children. Men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic

servitude. The country was also a destination for women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, and Central Asia for commercial sexual exploitation and forced labor. Women from Bangladesh, Sri Lanka, Nepal, and Burma were trafficked through Pakistan to the Gulf.” [2k] (Section 5) The USSD TIP Report 2008 added that: “Women from Bangladesh, Sri Lanka, Nepal, and Burma are trafficked through Pakistan to the Gulf.” [2d] (P202)

- 25.05 On the problem of trafficking camel jockeys to the Middle East, the USSD Report 2008 observed “The government, in cooperation with UNICEF and the United Arab Emirates, worked to repatriate and rehabilitate children used as camel jockeys. An estimated 700 children were repatriated through these efforts since 2005. The FIA facilitated payment of compensatory damages from the UAE.” [2k] (Section 5)
- 25.06 The USSD TIP Report 2008 noted that: “The government continued to air television, radio, and newspaper announcements warning of the dangers of trafficking children for camel jockeying in the Gulf.” [2d] (p203)

Trafficking within Pakistan

- 25.07 With regard to internal trafficking in Pakistan the USSD Report 2008 stated that “Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and labor. Bonded labor of children in brick kilns, rice mills, and textile factories remained a serious issue. In some cases families sold the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country.” [2k] (Section 5) The USSD TIP Report 2008 noted that “Pakistan faces a considerable internal trafficking problem reportedly involving thousands of women and children trafficked to settle debts and disputes, or forced into sexual exploitation or domestic servitude. According to one NGO, children as young as six years old are forced into domestic service, and face physical and sexual abuse. Bonded labor is a large internal problem in Pakistan; unconfirmed estimates of Pakistani victims of bonded labor, including men, women, and children, are in the millions.” [2d] (p202) The SPARC Report 2006, referring to an earlier SPARC piece of research, stated that 41,218 children were trafficked between rural and urban areas in the Sindh between 2001 and 2003, mostly for forced labour. [71a] (p63)

See Section 24: [Children](#), subsection [Violence against children](#)

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Prosecution

- 25.08 The USSD TIP Report 2008 observed that:
- “The Government of Pakistan made insufficient law enforcement efforts to address trafficking this year. Pakistan prohibits all forms of transnational

trafficking in persons through the Prevention and Control of Human Trafficking Ordinance (PACHTO); the ordinance's prescribed penalties range from seven to 14 years' imprisonment. The government also uses Sections 17-23 of the Emigration Ordinance to prosecute internal cases of trafficking. In addition, the Bonded Labor System Abolition Act prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment and/or a fine. Prescribed penalties for trafficking in persons are sufficiently stringent and commensurate with those for other grave crimes, such as rape. Pakistan did not demonstrate any significant law enforcement efforts against labor trafficking. Though Pakistan has a substantial problem of bonded labor—estimated to affect over one million victims—the government did not provide evidence of any arrests, prosecutions, convictions, or punishments for bonded labor. Similarly, the government did not confirm how many, if any, prosecutions or punishments occurred during the reporting period for other acts of forced labor, including fraudulent labor recruitment and forced child labor.” [2d] (p202-203)

25.09 The same source stated:

“With respect to sex trafficking, during the reporting period, the government convicted 52 trafficking offenders—13 fewer than last year—under the PACHTO; the majority of the sentences, however, ranged from fines to six months' imprisonment, and as such, were not sufficiently stringent. Four traffickers received sentences of six months to two years' imprisonment, and one trafficker was sentenced to two to ten years' [sic] imprisonment. Given the extent of trafficking complicity by law enforcement officers, Pakistan announced a 'zero tolerance' policy for government officials found to be complicit in trafficking, and applied it to two agents who were convicted and sentenced to seven years' imprisonment. Nonetheless, the government did not report systemic efforts to investigate, prosecute, and criminally punish trafficking complicity.” [2d] (p203)

25.10 On the matter of prosecutions of government officials, the USSD Report 2008 noted that traffickers had bribed officials to facilitate their passage. However, in 2007 authorities reportedly prosecuted government officials for trafficking offences. The report added that FIA inspectors were also arrested for facilitating trafficking. [2k] (Section 5)

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Assistance to victims of trafficking

25.11 The USSD TIP Report 2008 stated:

“This year, the government's efforts to protect victims of trafficking were inadequate. Pakistan did not report any programs to identify and protect victims of forced labor—the largest sector of Pakistan's trafficking victims—particularly bonded labor and child labor in informal industries such as domestic work. Male victims of trafficking, such as some boys exploited in prostitution, also did not receive government protection services. Protection for victims of commercial sexual exploitation remained limited; internally trafficked women and victims outside of the capital city could access any of 276 government centers offering medical treatment, vocational training and legal assistance to women and children. Pakistan provided limited assistance to

foreign victims of sex trafficking by referring them to an IOM [International Organization for Migration] shelter; during the reporting period, the IOM shelter provided comprehensive care to 22 victims. The government also encouraged these victims to participate in investigations against their traffickers by permitting them to seek employment while awaiting trial. Foreign victims reportedly are not prosecuted or deported for unlawful acts committed as a result of being trafficked, but some victims may still be subject to punishment for fornication, even as victims of sex trafficking.” [2d] (p203)

25.12 The USSD Report 2007 also reported that:

“The government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated nearly 17 camel jockeys from the UAE and Qatar. In 2005 the central government opened one model shelter specifically for trafficking victims... The FIA [Federal Investigation Agency] and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking... Several NGOs held workshops on trafficking during the year, and the government and NGOs worked to publicize the plight of camel jockeys through press campaigns to discourage the continuation of the practice.” [2h] (Section 5)

See also Section 23: [Women](#); and Section 24: [Children](#)

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 26.01 The World Health Organisation's (WHO's) Country Profile on Pakistan, accessed on 18 January 2008, advised that, for every 10,000 people, there were 8 physicians, 1 dentists, 3 nursing and midwifery personnel and 7 hospital beds. [5a] The website Medics Travel published a list of medical organisations in Pakistan, including hospitals in Lahore, Islamabad, Karachi, Rawalpindi and some rural areas (accessed 18 January 2008). [15] Further information on medical facilities in Islamabad was provided by the US Embassy, Islamabad:
http://islamabad.usembassy.gov/medical_information.html. [2j]
- 26.02 The USSD's Consular Information Sheet on Pakistan last updated 21 November 2008 reported that:
- “Adequate basic non-emergency medical care is available in major Pakistani cities, but is limited in rural areas. Facilities in the cities vary in level and range of services, resources, and cleanliness, and Americans may find them below U.S. standards; facilities in rural areas are consistently below U.S. standards...Water is not potable anywhere in Pakistan and sanitation in many restaurants is inadequate. Stomach illnesses are common.
- “Effective emergency response to personal injury and illness is virtually non-existent in Pakistan. Ambulances are few and are not necessarily staffed by medical personnel. Any emergency case should be transported immediately to a recommended emergency receiving room. Many American-brand medications are not widely available, but generic brands from well-known pharmaceuticals usually are. The quality of the locally-produced medications is uneven. [2e] In its Travel advice for Pakistan, updated 17 March 2009, the Foreign and Commonwealth Office (FCO) stated that “Outside the major cities there are few hospitals of UK standards.” [11a] (Health)
- 26.03 The Society for the Protection of the Rights of the Child (SPARC) 2006 Report stated that:
- “As for availability and expansion of resources pertaining to health, especially mother child health, healthcare facilities have multiplied in number compared to previous years. According to figures released by the government, these health care facilities include 946 hospitals, 4,554 dispensaries, 5,290 Basic Health Units and sub health centers, 907 Mother and Child Health Centers, 552 Rural Health Centers and 289 Tuberculosis (TB) Centers primarily run by provincial governments. A large number of Lady Health Workers have been recruited to assist expecting mothers in rural or far-flung areas. For the uplift of ‘nursing’ profession, incentives have been offered for ensuring efficiency among paramedical staff. Charge nurses are upgraded from BPS 14 to 16 and Head Nurses from BPS 16 to 17, with new jobs created in the nursing sector. However, the ground reality remains grave. In a number of basic health units, doctors fail to show up, adding more to the agony of patients. On the other hand, doctors complain of inadequate facilities. It is highly desirable to devise ways to attract doctors to health units.” [71a] (p6)

- 26.04 Correspondence to the UK Border Agency, dated 13 October 2008, from UNHCR via their partner agency SACH (Struggle for Change) stated that:

“Foreign patients are not entitled for free medicines/consultation/tests/medication etc [in Pakistan]. National laws do not give any indication or provision to provide free treatment to foreign patients.

“Free services are available to residents of Pakistan who either possess the Zakat form attested from the area counselor or to government employees. Other categories of Pakistan nationals have to bear medicine cost, not available in hospital, and surgical item cost. Vaccination and family planning measures are available to all free of cost. Basic Health units and central health units... provid[e]... free of cost treatment for minor ailment[s], and free obstetric care is provided to Pakistan nationals and to Afghan nationals in North West Frontier Province of Pakistan.

“[The] North West Frontier provincial government hospitals do entertain Afghan nationals for health care in their government hospitals but [most have] to pay for medicines and surgical items.” [20c]

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.05 A BBC article, ‘Pakistan Battles HIV/Aids Taboo’ dated 9 April 2007, stated:

“Nearly 4,000 people with HIV/Aids have reported at treatment centres around Pakistan, government and World Health Organisation (WHO) officials say. The figure is a fraction of the total number of Pakistanis with the virus. A UNAids report last year said that between 80,000 and 140,000 people were infected - and the rate could spiral because of under-reporting of cases. The WHO has been funding a three-year, \$4.5m anti-retroviral programme in Pakistan since late 2005.” [35m]

- 26.06 The same article added that “An HIV-Aids newsletter of the Ministry of Health put the total number of reported cases at 3,933, but only about 618 of them were registered with nine treatment centres countrywide. Pakistani officials say a low detection rate and stigma associated with the disease were hampering the treatment of HIV/Aids patients.” The article further noted that there was a lack of awareness about the infection within Pakistan and also added that the treatment centres offer both treatment and counselling sessions. [35m]

- 26.07 The USSD Report 2008 reported that:

“According to the government’s National Aids Control Program (NACP), there was no observed discrimination based on HIV/AIDS status observed in the government service. Societal attitudes toward HIV-positive individuals are changing slowly, but social discrimination lingers. The NACP reported there were approximately 90,000 HIV-positive individuals in the country, and approximately 50 percent of those lived in Sindh Province. The report stated that ‘entrenched age-old social attitudes, practices, and stereotyping, which often lead to violence against women, coupled with unequal access to

economic resources, are hampering progress toward dealing with the spread of HIV/AIDS'." [2k] (Section 5)

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CANCER TREATMENT

- 26.08 The Pakistan Atomic Energy Commission recorded on its website, last modified on 23 February 2009 that the Commission is "... providing diagnostic and treatment services of cancer related diseases to over 3,50,000 [sic] patients annually through its 13 state-of-the-art medical centres all over the country. More centres will be added shortly." A list of the centres was provided on their website at <http://www.paec.gov.pk/paec-ct.htm>. [59]
- 26.09 On 2 December 2005, the Aga Khan Development Network issued a press release which stated that:
- "His Highness the Aga Khan, Chairman of the Aga Khan Development Network (AKDN) and Chancellor of Aga Khan University (AKU) today inaugurated the US \$8.4 million Ibn Zuhr Building for Oncology Services at AKU's Karachi campus. The building...is a comprehensive cancer centre with state-of-the-art equipment, offering a wide range of facilities such as screening, diagnostic and treatment services, including high quality nuclear imaging, chemotherapy, radiation therapy, surgical oncology services, and cancer research facilities – all under one roof. The new addition to the 654-bed Aga Khan University Hospital (AKUH) in Karachi is the first of its kind in Sindh and will provide a much needed service in a country where five to ten percent of the population could suffer from cancer in their lifetime. At AKUH alone, approximately 12,000 patients are diagnosed with cancer each year. The Chancellor also expressed satisfaction that services provided at the Ibn Zuhr Building will be accessible to those who cannot afford the full cost of their treatment, through the support of the University Hospital's Patient Welfare Programme." [47]
- 26.10 Other hospitals with Oncology departments include:
- Pakistan Institute of Medical Sciences (PIMS), Islamabad
<http://www.pims.gov.pk/>
 - University of Health Sciences (Jinnah Hospital), Lahore
<http://www.uhs.edu.pk/registration/affinst/aimc/aimc.html>
 - Shaukat Khanum Memorial Cancer Hospital and Research Centre, Lahore
<http://www.shaukatkhanum.org.pk/html/index.html>
- 26.11 In an article dated 30 July 2007 on hospice and palliative care in Pakistan, the *Daily Times* reported that "There are no hospice at home programme[s] or palliative care unit[s] in the true sense in the Govt hospitals. There are [a] few NGO/Charitable organisations running cancer care centers and convalescent homes, but they too lack the palliative care support essence. In general most of the doctors and nurses lack specialized training in cancer pain management." [551]
- 26.12 The Child Aid Association (CAA), a voluntary organisation working within the oncology department at the NICH, provided free medicines, support and specialist care to underprivileged child cancer patients. [81a]

- 26.13 An article in the International Network for Cancer Treatment and Research (INCTR) newsletter of winter 2003/4 stated, with regard to the availability of cancer treatment in Pakistan, that:

“Facilities for treatment of cancer patients are available in a few larger cities in both public and private hospitals. There are 18 radiotherapy centers with 65 practicing radiation oncologists; the quality of these centers is extremely variable depending on the expertise of the physician and available equipment. There are only 15 medical oncologists practicing in major cities. State-of-the-art surgical oncology is practiced in only a few hospitals, and as a result, the majority of patients undergo sub-optimal surgery. In Pakistan, profound differences exist with respect to the availability of medical care to different segments of the population. Good quality hospital care is available to the affluent class, either from a small number of excellent public sector hospitals, or from the private sector. The less affluent classes are provided free services in the government hospitals but again, the quality of these services is extremely variable, depending on the available resources and trained personnel. The financial burden of treatment is borne by the patients, which makes it difficult for the poor to receive state-of-the-art treatment. They are supported by monetary donations from individuals as well as government funds and Zakat, a tax that the more wealthy Muslims pay specifically to help the poor. These contributions tend to be insufficient and erratic. Clearly these resources are inadequate to deal with the ever increasing economic burden of cancer patients. It is estimated that fewer than 30% of patients receive the minimal recommended treatment for their disease”. [73]

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KIDNEY DIALYSIS

- 26.14 Global Dialysis’ website lists 115 Dialysis Centres in Pakistan (see source) [48]

MENTAL HEALTH

- 26.15 The New Statesman reported in an article dated 22 October 2008 that changes in Pakistan’s mental health legislation, namely the 2001 Mental Health Ordinance, had yet to be enacted. The report noted that “Estimated numbers of Common Mental Disorders (CMDs) such as depression and anxiety are among the highest in the developing world, confirmed by high sales of tranquilisers, sleeping tablets, and anti-depressants, all of which are available over the counter.” The article added “[that] 90% of mental healthcare in Pakistan is private... On average, it costs between 600-1500 rupees to see a psychiatrist - half the salary of a low-paid worker... there are just 4000 – 5000 beds in psychiatric wards, serving a population of well over 160 million.” [18a]
- 26.16 In an article on mental healthcare, dated 8 November 2007, IRIN reported that “According to Lahore’s University of Health Sciences Vice-Chancellor Malik Hussain Mubashir, there is only one psychiatrist for every 10,000 people in Pakistan, one child psychiatrist for four million children estimated to be suffering mental-health issues and only four major psychiatric hospitals and 20 such units attached to teaching hospitals.” [41b]

- 26.17 The World Health Organisation's Mental Health Atlas 2005 for Pakistan stated that:

"The primary sources of mental health financing in descending order are out of pocket expenditure by the patient or family, tax based, social insurance and private insurances. The country has disability benefits for persons with mental disorders. Disability benefit is paid to individuals who are not able to work due to mental illness. Mental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. The programme has initially started in Punjab, the largest province, in 1985 and is being extended to others over the years. There are many residential and day-care facilities, especially for people with learning disabilities providing social, vocational and educational activities. Regular training of primary care professionals is carried out in the field of mental health. Training programmes have started in the province of Punjab as a part of in-service training for primary care personnel. Till now, approximately 2000 primary care physicians and 42 000 primary care workers have been trained. Community activists from NGOs (e.g. National Rural Support Programme (NRSP) are also being trained. Though there are training programmes for physicians, nurses and psychologists, there are no such facilities for social workers. Mental health training has been included in the programme of the District Health Development Centres. The Institute of Psychiatry Rawalpindi Medical College was the first WHO collaborating Centre-EMR and is acting as a resource centre at national and regional level for training, services information system and research. Multiple training manuals for primary health care physicians, paramedics, community workers and teachers have been developed. In an additional training package on counselling skills for health professionals, a package for rehabilitation of mentally ill has been developed... There are community care facilities for patients with mental disorders. ...More than 78 junior psychiatrists have been trained in community mental health to act as resource persons in the development of programmes in their areas. The National Steering Committee evaluates the quality of care delivery on a regular basis." [5b]

- 26.18 The report further also noted that:

"There are about 2000 other mental health personnel. There are four mental health hospitals in the country. All medical colleges have psychiatric units. Psychiatric units are also present in allied hospitals in both public and private sector. Some psychiatric care facilities are available at the tehsil [sic] level. Beds for the treatment of drug abusers are available at most hospital facilities (232 centres). Forensic beds are available at a few centres. There are two child psychiatrists in the country. Mental health professionals are concentrated in big urban centres. Most psychiatrists have private clinics" [5b]

- 26.19 On health services for specific groups, including women and children, the report observed:

"The country has specific programmes for mental health for refugees and children. NGOs are involved in service provision and advocacy for the above groups. Afghan refugees are being provided services by international organizations. There are also facilities for women and victims of torture. There are some facilities for children in the larger hospitals and regional hospitals, but the most parts of the country have no facilities for child and adolescent

psychiatry. There are many residential and day care facilities for people with learning disabilities, especially in big cities. There is a school mental health programme and it aims to develop awareness of mental health among schoolchildren, schoolteachers and the community; to provide essential knowledge about mental health to teachers so that they are able to impart that to the students and are able to recognize and provide some counselling to the students for basic psychological problems..." [5b]

- 26.20 The Mental Health Atlas listed the following therapeutic drugs as generally being available at the primary health care level of the country: carbamazepine, phenobarbital, chlorpromazine, diazepam, haloperidol; imipramine (is supplied instead of amitriptyline); and procyclidine." [5b]

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27. HUMANITARIAN ISSUES

- 27.01 In its Travel Advice for Pakistan, updated 17 March 2009, the Foreign and Commonwealth Office (FCO) recorded "Earth tremors are common and mountainous areas regularly experience floods and landslides. A series of earthquakes struck Northern Balochistan on 29 October 2008 with a magnitude of up to 6.4 on the Richter Scale. The districts of Ziarat and Pishin have been most badly affected." [11a] (Natural Disasters)
- 27.02 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in its Pakistan Humanitarian Response Plan 2008, dated 8 September 2008, that:

"In August [2008] Pakistan suffered a series of overlapping crises that have led to substantial internal displacement and left hundreds of thousands in need of humanitarian assistance... Unusually heavy monsoon rains and flash floods in early August affected over 300,000 people. Peshawar District in the North West Frontier Province (NWFP) and Rajanpur District in Punjab Province were particularly badly affected. In addition, renewed fighting between the Government and militant groups in the Federally Administered Tribal Areas (FATA) and in Swat District in NWFP caused significant internal displacement." [74]

See also Section 8: [Security situation](#) and Section 29: [Internally Displaced Persons \(IDPs\)](#)

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28. FREEDOM OF MOVEMENT

28.01 In respect of freedom of movement within the country, foreign travel, emigration, and repatriation, the US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that the law provides for these rights although the government limited them in practice. The report noted "The government required foreigners to have special permits to enter certain restricted areas, including FATA [Federally Administered Tribal Areas], Balochistan, and parts of NWFP [North West Frontier Province], due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir." [2k] (Section 2d)

28.02 The same report stated that:

"The law prohibits travel to Israel, although the law was not enforced in practice. Government employees and students must obtain NOCs before traveling abroad, although this requirement rarely was enforced against students.

"Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. At year's end, there were approximately 636 names on the Exit Control List (ECL). According to human rights lawyers, the number of persons on the ECL dropped sharply after the Lahore High Court took notice of the list in May [2008]. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name to the ECL, and it was sometimes used to harass human rights activists or leaders of opposition and nationalist parties. Those on the list had the right to appeal to the courts for removal of their names. On August 28, Rehman Malik, the Advisor on Interior Affairs, announced that the government removed Baloch political leaders from the ECL... The law prohibits forced exile... [former prime ministers Benazir Bhutto and Nawaz Sharif, who had been exile since 2001, were both allowed to return in October and November 2007 respectively]." [2k] (Section 2d)

See also Section 33: Exit/entry procedures: [Exit Control List](#)

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29. INTERNALLY DISPLACED PERSONS (IDPs)

- 29.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“During the year, the number of IDPs fluctuated due to military action and sectarian violence in the NWFP and the FATA and floods in NWFP and Punjab. The UN High Commission for Refugees (UNHCR) estimated that military operations in Bajaur alone generated approximately 190,000 IDPs and an estimated 90,000 in Swat by September. At year's end, approximately 200,000 IDPs remained displaced from FATA and NWFP. Many IDPs from Swat and Bajaur were taken in by friends and relatives, which complicated the counting efforts. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

“In the districts surrounding Bajaur, the government, supported by UNHCR and other organizations, provided temporary food and shelter for the IDPs in 11 camps and worked with international organizations and NGOs to supplement government-provided assistance. IDPs complained of the poor hygiene in the camps.” [2k] (Section 2d)

- 29.02 Médecins sans Frontières (MSF) noted in its 11th Annual ‘Top Ten Humanitarian Crises for 2008’, undated, regarding the displacement of people due to the fighting in Northwestern Pakistan, that “...In August [2008], thousands of Pakistanis were displaced within the country or fled to neighboring Afghanistan for safety. At the same time, the Pakistani army also began expelling Afghan refugees, specifically in Bajaur Agency, for alleged connections to militant groups.” [56a]

- 29.03 MSF also noted in an article dated 29 October 2008 that:

“Today, the number of people who fled Bajaur Agency and the Swat region is estimated at around 350,000 though figures vary. Many of these displaced persons are in Lower Dir, in the Malakand region, Mardan, Charsadda district and Peshawar. Mosques and schools across the region have been converted into shelters. However, 75 percent of the displaced persons are living in private homes, which constitute a considerable burden for their hosts, some of whom are very poor. Little, if any, of the necessary aid reaches them.” [56b]

- 29.04 The USSD Report 2008 also noted “Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir entered the country. The law entitles Kashmiris to the same rights as full citizens.” [2k] (Section 2d)

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30. FOREIGN REFUGEES

- 30.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but in practice, the government in most cases provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The country is a member of UNHCR's governing Executive Committee and cooperated with UNHCR in protecting, assisting, and repatriating Afghan refugees.” [2k] (Section 2d)

- 30.02 The same source added:

“Although refugees did not have access to courts, the government provided access to basic health and education services, especially for Afghan refugees. UNHCR recognized 478 non-Afghan refugees in the country. Every refugee who registered with both the UNHCR and the government-run Commissionerate for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse, including trafficking.” [2k] (Section 2d)

AFGHAN REFUGEES

- 30.03 The USSD Report 2008 reported that:

“Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the government-run National Database and Registration Authority, approximately 2.15 million registered Afghan refugees remained in the country at year's end, and 3.4 million had been repatriated since 2002. The government continued to work closely with the UNHCR to provide support to this population. During the year, approximately 272,000 refugees took advantage of UNHCR assistance to repatriate.

“According to UNHCR, there are more than 80 Afghan refugee camps in the country, including 71 in NWFP, 12 in Balochistan, and one in Punjab... In October the government ordered illegal Afghan refugees resident in Bajaur to return to Afghanistan and began deporting refugees who did not return voluntarily and arresting those who returned to Pakistan. Beginning in October, Pakistani security forces reported that hundreds of militants were crossing periodically from Afghanistan into the country to attack.

“Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates.” [2k] (Section 2d)

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31. CITIZENSHIP AND NATIONALITY

- 31.01 Information issued by the Pakistani government (accessed on 30 June 2008) advised that Pakistan citizenship can be acquired in specified circumstances; these included: "Foreign ladies married to Pakistani nationals", and the "Minor children (below 21 years of age) of Pak [sic] ladies married to foreigners." Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 16 countries including the UK. [29b] Travel advice issued by the Foreign and Commonwealth Office, updated 17 March 2009, stated that "If you or your father were born in Pakistan, you might be considered a Pakistani national by the authorities, even if you do not hold a Pakistani passport, and the British government might be prevented from providing the full range of consular assistance." [11a] (**Local laws and customs**) Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. [29b] (p5)
- 31.02 The Pakistan Citizenship Act, 1951, stated that Pakistan citizenship could be acquired:
- By birth - Section 4 of the Citizenship Act
 - By descent - Section 5 of the Citizenship Act
 - By migration - Section 6 of the Citizenship Act
 - By Naturalization - Section 9 of the Citizenship Act
 - By Marriage -Section 10 of the Citizenship Act [20b]

NATIONAL IDENTITY CARDS

- 31.03 In a list of Frequently Asked Questions (FAQ) on the Computerized National Identity Card (CNIC), the National Database and Registration Authority (NADRA) noted that every citizen of Pakistan aged 18 or above is eligible for a CNIC. To obtain a CNIC the applicant needs to register at any NADRA Swift Registration Center (NSRC), located throughout Pakistan. The process is paperless. However the FAQ stated that, for people with a physical disability, a special application form can be obtained from the applicants local NADRA or NADRA Provincial Headquarters. The FAQ further noted "The following documents are required for the CNIC: Your birth certificate, your educational certificates and transcripts, and the national identity cards of your parents. You also need to bring either your parents' Children Registration Certificate (CRC), or their Form B. Alternatively, if any one of your immediate family members already possesses a CNIC, then all you need is their CNIC number." [29g]

See also Section 19: Religion, subsections on [Voting rights](#) and [Passports and ID cards](#)

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32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 32.01 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request (RIR), dated 28 November 2007, that:

“A July 2005 article in Dawn, a Karachi-based newspaper, states that ‘tens of thousands of Pakistanis manage every year to reach [the] UK on forged documents and through other means of human trafficking’. In an article on human trafficking [March 2005], The Daily Times... indicates that ‘illegal immigrants travelling with fake student visas’ are also commonplace. The Human Rights Commission of Pakistan (HRCP), a non-governmental organization which promotes the advancement of human rights in Pakistan indicates in their 2006 report that during the previous four years, over 33,000 Pakistanis were returned to Pakistan after using fraudulent travel documents to enter Oman. The HRCP report also estimates that over 300,000 people were thought to leave Pakistan by illegal means each year.” [12b]

- 32.02 The same source noted:

“The Federal Investigation Agency (FIA), a Pakistani law enforcement agency which generally investigates cases of corruption and immigration control, including offences under passport-related legislation states that it was aware of 131 passengers travelling on forged documents in 2004 and 83 in the first six months of 2005.

“According to the Pakistan Press International (PPI), in May 2006, the British government donated a machine that detects forgeries to the Pakistan passport and immigration office. This equipment, which magnifies images on any document to a very high degree and can identify the use of different inks in the preparation of documents, is intended to help Pakistani authorities identify forged or fraudulent documents, such as national identity cards, bank statements and other documents required to obtain visas. The FIA already owns four such machines. The Director of Visa Services at the British High Commission in Islamabad is quoted in the article as saying that approximately two percent of applications for United Kingdom (UK) visas are fraudulent.” [12b]

- 32.03 Another IRB RIR, dated 18 June 2004, stated that:

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

- 32.04 The same report noted:

“The Information Centre on Asylum and Migration of the German Federal Office for the Recognition of Foreign Refugees indicated that ‘[i]n nearly all cases, the documents presented [by asylum seekers] for proof of persecution

(reports under the penal code, warrants for arrest, court judgments, lawyers' correspondence) were falsified or of incorrect content. In Pakistan, it is not...difficult to have a (simulated) criminal proceeding initiated against oneself, in order to get authentic documents (e.g. a 'First Information Report' or a decision to set the accused free until the date of the trial)... It is possible...either [to] pay for or to use private contacts to have a newspaper article published depicting a situation of persecution'." [12a]

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33. EXIT/ENTRY PROCEDURES

- 33.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that the laws provide for the freedom of movement within the country, foreign travel, emigration and repatriation but the government limited these in practice and "...required foreigners to have special permits to enter certain restricted areas, including FATA, Balochistan, and parts of NWFP, due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir." [2k] (Section 2d)
- 33.02 The Immigration and Refugee Board of Canada (IRB) noted in a Reponse to Information Request (RIR) dated 19 November 2007 that:
- "A Karachi-based lawyer provided the following information regarding border security measures in 31 October 2007 correspondence to the Research Directorate. There are strict measures adopted by border authorities regarding Pakistanis exiting Pakistan via international flights. After proceeding through Customs, Pakistanis who are leaving Pakistan will appear before an immigration officer who will ask various questions. The immigration officer will verify in the computer system that there are no restrictions against the person in question and will then stamp the traveller's passport with an exit stamp if everything seems in order. The traveller will then proceed to either an army officer or another officer under the supervision of an army officer who will ask questions, check the passport and, if everything is in order, the traveller will proceed to the departure lounge. With regard to border authorities at land borders, the lawyer states that 'equally strict measures' are adopted, although they may vary from one border to another." [12l]
- 33.03 The Government of Pakistan's Federal Investigation Agency (FIA) provided information on their website (undated, accessed on 10 March 2008) on the Personal Identification Secure Comparison and Evaluation System (PISCES). The FIA noted:
- "PISCES Project provides Immigration officials and law enforcement agencies with a tracking system to capture vital information of travelers and allows them to identify and, if necessary detain individuals of interest...
- "PISCES project will enable the linking of all ports of exit/entry under real-time networking environments and provide smooth working co-ordination and standardization among different law enforcement agencies in the area of immigration control. In this connection PISCES system has been installed at seven major airports of the country i.e. Islamabad, Karachi, Lahore, Peshawar, Quetta, Multan and Faisalabad airports till the end of year 2004. The system has provision to accommodate information on suspects from all law enforcement agencies like Immigration, Police, Narcotics Control, Anti-smuggling, and Intelligence Services." [29d]
- 33.04 Pakistan newspaper, *The News International*, reported on 15 February 2008 that up to 4,000 people were on the Federal Investigation Agency's PISCES watch list. The article noted:

“This system [PISCES] works against pre-defined watch list of suspects that includes ECL [Exit Control List], stolen passport and blacklisted for visa, lost/missing passports and blacklisted for passport categories... There are 17 operational sites of PISCES in Pakistan, including Karachi airport, Lahore airport, Islamabad airport, Peshawar airport, Quetta airport, Multan airport, Faisalabad airport, Wagha land route, Chaman land route, Torkham land route, Wagha Railway Station, Karachi seaport, Khokarapar railway station, Ghassbandar seaport, Port Bin Qasim, Taftan land route and Sust land route. The system is also being planned for Gwadar airport, Pasni airport, Turbat airport and Gwadar seaport... PISCES has contributed a lot in identifying the high value suspects especially involved in terrorism and human trafficking...” [44a]

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PASSPORTS

- 33.05 Ordinary Machine Readable passports (MRP) can be issued to all citizens of Pakistan. In applying, applicants aged 18 or above should provide their original National Database and Registration Authority (NADRA) ID card plus two photocopies; NOC [No Objection Certificate] in case of a Government Servant; old passport (if issued) plus a photocopy; and foreign passport, plus copies, for dual nationality holders only. (Government of Pakistan, Ministry of Interior, Directorate General Immigration and Passports, undated, accessed 28 October 2008) [29a] (How to apply for MRP)
- 33.06 Regarding border control using a Multi-Biometric E Passport, Pakistan's National Database and Registration Authority (NADRA) reported on “... the latest in border control systems... an auto-gate, designed for the immigration authorities to efficiently process all arrivals and departures at all international airports, railway stations or bus terminals.” [29f] (Integration with Automated Border Control (ABC))
- 33.07 NADRA stated:
- “The Automated Border Control (ABC) is a fully automated immigration control system linked with the central database that makes full use of the e-passport not only by reading all electronic passports but also by performing Facial Recognition and Fingerprint Identification to identify the individuals.
- “This system has the capability of reading and processing all of Electronic and Manual Passports as well as all identity documents such as the National Identity Cards for Overseas Pakistanis. It also retains important attributes of travelers as well as information about their port of origin, destination, and nationality, which can then be used by immigration authorities and security agencies, should the need arise.” [29f] (Integration with Automated Border Control (ABC))
- 33.08 The same source noted: “The new Multi-biometric E-Passport is being integrated with the Automated Border Control (ABC) system... resulting in a seamless inter-working of the Multi-biometric Machine Readable E-Passports at the border entry and exit terminals.” Features of the E-Passport include “Facial Recognition System for 1:1 verification with the photograph from the National Data Warehouse in order to eliminate fraudulent photographs. It also crosschecks from the wanted list of Police, Interpol, or other agencies. Any

renewals will match all the photographs of the individual, available in the database.” [29f] (Multi-biometric E-Passport Features)

- 33.09 The IRB of Canada noted in its RIR dated 19 November 2008 that “According to the November 2007 edition of the Travel Information Manual (TIM), exit permits are not required of Pakistani citizens by immigration authorities when exiting Pakistan, but passports are...” [12i]
- 33.10 An email response from an official at the British High Commission in Islamabad, stated that, in theory, Pakistani passport holders would have their passports stamped at all ports and legal border crossings when entering and exiting the country. However, since corruption is a problem, it would be possible for an individual to avoid having their passport stamped by, for example, paying a bribe to the relevant official. The FCO official further stated that, as far as they were aware, and aside from the reasons stated above, there would be no exceptions when a passport would not be stamped. [11c]

See also Section 19: Freedom of Religion, subsection [Passport and ID Cards](#)

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EXIT CONTROL LIST

- 33.11 In a Response to Information Request (RIR), dated 19 November 2007, the Immigration and Refugee Board of Canada (IRB) noted that:
- “The Exit Control List (ECL) is a list of Pakistani citizens wanted in cases of crime or corruption or who are facing court charges and who are prohibited from leaving the country. However, various sources indicate that the ECL is sometimes used to ‘harass’ human rights activists or political dissidents. In addition, the Karachi-based lawyer stated the following:
- “The Government places the name of anyone who it does not wish to leave Pakistan [on the ECL]. There could be many reasons, both justifiable and unjustifiable, for placing the name of someone on this list. Most of the names [on the list] are of those whom the Government of the day do not like but ... some ... may be [subject to] serious investigation or criminal proceedings in progress or likely to be commenced. [The] majority of the names, however, are of the politicians in opposition to the Government of the day.” [12i]
- 33.12 In an RIR dated 25 November 2005, the IRB noted that “Although the Ministry of the Interior maintains the ECL the National Accountability Bureau may recommend names to be added to the list; judicial action is not required to add a name to the ECL, though permission from the courts is required to remove a name from the ECL. There is no limit to the amount of time a person's name remains on the list.” [12g]
- 33.13 Continuing the subject of exit control in Pakistan, the IRB further noted in its RIR dated 19 November 2007 that:
- “A First Information Report (FIR) is the police report prepared when an offence is committed. The Karachi-based lawyer explained that Pakistani citizens who

have an FIR registered against them can still leave Pakistan, and he added that the 'lodging of [a] FIR by itself does not automatically stop a person from leaving Pakistan. Many FIRs are baseless, bogus and lodged to harass ... opponents but ultimately found frivolous and dismissed'." [12i]

See also Section 12: [Arrest and detention – Legal rights](#)

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TREATMENT OF FAILED ASYLUM SEEKERS

- 33.14 On 2 December 2008, the Immigration and Refugee Board of Canada (IRB) noted, in a Response to Information Request (RIR), that:

"United Press International (UPI) reported that in August 2002, Nasir Ali Mubarak, a Pakistani man detained on immigration charges in the United States, who was married to an American woman and who was deported to Pakistan, was 'detained for many days at an unknown location'. In April 2004, UPI reported that... 'detainees have been arrested upon arrival by Pakistani immigration officials'. However, according to 24 May 2005 correspondence from the Human Rights Commission of Pakistan (HRCP), '[f]ailed Pakistani refugee claimants are not usually detained.'" [12h]

- 33.15 In another RIR, dated 26 June 2003, following correspondence with a London-based barrister and advocate of the Supreme Court and High Courts of Pakistan, the IRB reported that:

"According to the barrister, FIA [Federal Investigative Agency] 'does not interview all nationals returning to Pakistan. It detains and interviews those persons who are alleged to have violated any law in respect of travel/visit to a foreign country, e.g. traveled on fake travel documents or entered a country without [a] valid visa, etc.' The UNHCR office in Islamabad provided the following similar information in correspondence to the Research Directorate: 'FIA only interviews those nationals who are wanted by the government or involved in any criminal, unlawful or anti-state activities...

"The HRCP indicated that the FIA 'are given a list of deported persons and may interview those they believe [to] have any involvement in criminal activity in the country'. The HRCP went on to state that 'Pakistanis entering another country illegally may be detained on their return, but are generally released within a few days'." [12i]

- 33.16 The same source noted:

"In correspondence with the Research Directorate, a Pakistan-based political and defense consultant with a doctorate degree in international relations and political science who has written two books on Pakistan and, until 2001, was a Professor of Political Science at Punjab University in Lahore, Pakistan, provided the following information about the FIA:

"Pakistanis returning from abroad are not interviewed by the FIA. You pass through passport control and customs and then leave. However, if a person is deported by a foreign country for any reason (overstay, passport and visa fraud, involvement in a crime in the host country) and formally handed over to

Pakistani authorities, the FIA/relevant authorities would undertake an inquiry. If found to have forged [a] passport/visa or [committed] any other illegal activity, he/she can be charged and presented to a court of law. All deportations are inquired into.

“If a person returns to Pakistan quietly after having failed to get a refugee status elsewhere, he/she faces no problem in returning to Pakistan. However, if a failed applicant for refugee status is handed over by the country concerned to Pakistani authorities, Pakistani FIA/relevant authorities would question such a person.

“... when a Pakistani national is deported by a foreign government and handed over to Pakistani authorities, the first thing the Pakistani authorities check is if he/she travelled on [a] forged passport and fake visa. If that is the case, they do two things. First, they would like to know where and how did that person get the forged passport or visa. They would like to know about the travel agent or any other person who facilitated his/her departure. Second, the authorities can file a criminal case in a lower court for having forged travel documents. Sometimes newspaper[s] publish news that a person has been sentenced to imprisonment for a couple of months for travel document fraud.

“If a person is deported by a foreign government but not formally handed over to Pakistani authorities, they would hardly know about the case and the person can quietly return to Pakistan.” [12i]

33.17 The IRB further stated that: “There is no standard interview procedure employed by the FIA when interviewing returning nationals, including those who are failed refugee claimants... According to the barrister, ‘No punitive measure is taken against failed refugee claimant[s] unless FIA official[s] [are] able to find some lapse or default on the part of [the] returning national[s] ... documentation...’” [12i]

33.18 The same source also reported:

“Information provided by the UNHCR office in Islamabad on the possibility of punitive measures against returning Pakistani nationals is as follows ‘...Generally, there is no punitive action for failed refugee claimants... If a person returns to Pakistan quietly after being denied refugee status, nothing is expected to happen. If such a person is deported and handed over to Pakistani authorities, the person will face preliminary inquiry to determine if he has violated Pakistani laws. If a person's refugee status case gets a lot of media publicity, the government will inquire into it. However, there is no law that can be invoked against a person for applying for refugee status elsewhere.

“A Pakistani denied refugee status can get into trouble on return if there are criminal cases registered against him/her in Pakistan. The FIA/Police can arrest such a person on arrival at the port of entry (if they get prior information of his return) or later on as they come to know of his/her return.” [12i]

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34. EMPLOYMENT RIGHTS

- 34.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) recorded that:

“Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors. Additional benefits required under the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

“The ITUC [International Trade Union Federation] reported that the government made unilateral changes to the law in 2007, increasing hours of work, weakening worker protection, and creating a classification of ‘contract worker’ ineligible for overtime pay. Criminal law requires police authorization for gatherings of more than four individuals, including union activities.”
[2k] (Section 6a)

- 34.02 The same report also noted that:

“Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC, labor inspectors have exempted certain employers from inspection in the provinces of Sindh and Punjab. Many workers remained unaware of their rights.”
[2k] (Section 6b)

- 34.03 In a report to the UN Committee Against Racial Discrimination, ‘Pakistan: The Land of Religious Apartheid and Jackboot Justice, published August 2007, the Asian Centre for Human Rights (ACHR) stated:

“The religious minorities have been denied proportional representation in government jobs. According to the 13th census of civil servants-2006, an overwhelming majority (97.51 per cent) of the federal civil servants are Muslims while only 250 civil servants (0.11 per cent) are Ahmadis, 499 civil servants (0.21 per cent) are Hindus, 23 civil servants are Buddhists, 4,731 (2.01 per cent) civil servants are Christians and 22 civil servants of ‘other’ religions and 0.14 per cent whose religions have not been disclosed.” [67a] (p5: Denial of government jobs)

- 34.04 The USSD Report 2008 stated that:

“In March, the government raised the fixed minimum wage per month from 4,000 (\$51) to 6,000 rupees (\$76). It applied only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family and fell short of the Pakistan Workers' Federation demand for a minimum wage of 12,000 rupees (\$152) per month. Significant parts of the workforce, such as

those in the informal sector, domestics, and migrant workers, were not covered.” [2k] (Section 6e)

See also Section 24: Children, subsection, [Forced labour](#)

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BONDED LABOUR

34.05 The USSD Report 2008 stated that:

“The law prohibits slavery and all forms of forced labor, including bonded and child labor; in practice, however, the government did not enforce these prohibitions effectively and there were numerous instances in which these practices occurred. The law outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts.

“The Ministry of Labor, Manpower and Overseas Pakistanis at the federal level and labor officials in the provinces are responsible for enforcement of the Bonded Labour System (Abolition) Act of 1992 (BLSA), which banned bonded labor. The HRCP noted that the implementation of the act required review. The National Commission on Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers worked in conjunction with the International Labour Organization (ILO) to implement the National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers.

“NGOs SPARC and SHARP reported that approximately two million persons were involved in some form of bonded labor, primarily in Sindh Province. Bonded labor was most common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread.” [2k] (Section 6c)

34.06 The USSD IRF Report 2008 recorded that “The Government did not subject individuals to forced labor or enslavement based on religious beliefs; however, minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in both the brickmaking and agricultural sectors. Christians and Hindus were disproportionately victims of this practice.” [2i] (Section II)

See also Section 24: Children, subsection [Forced labour](#)

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Annex A: Chronology of major events

(As reported in the BBC's '[Timeline – Pakistan A chronology of key events](#)', updated 17 March 2009 [35b] unless otherwise stated)

- 1947** Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.
- 1948** Muhammed Ali Jinnah, the first governor general of Pakistan, dies.

First war with India over disputed territory of Kashmir.
- 1951** Jinnah's successor Liaquat Ali Khan is assassinated.
- 1956** Constitution proclaims Pakistan an Islamic republic.
- 1958** Martial law declared and General Ayyub Khan takes over.
- 1960** General Ayyub Khan becomes president.
- 1965** Second war with India over Kashmir.
- 1969** General Ayyub Khan resigns and General Yahya Khan takes over.
- 1970** Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.
- 1971** East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.
- 1972** Simla peace agreement with India sets new frontline in Kashmir.
- 1973** Zulfiqar Ali Bhutto becomes prime minister.
- 1977** Riots erupt over allegations of vote-rigging by Zulfiqar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.
- 1978** General Zia becomes president.
- 1979** Zulfiqar Ali Bhutto hanged.
- 1980** US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.
- 1985** Martial law and political parties ban lifted.
- 1986** Zulfiqar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.
- 1988** August – General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.

November – Benazir Bhutto's PPP wins general election.

- 1990** Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.
- 1991** Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.
- 1992** Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.
- 1993** President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.
- 1996** President Leghari dismisses Bhutto government amid corruption allegations.
- 1997** Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.
- 1998** Pakistan conducts its own nuclear tests after India explodes several devices.
- 1999** April – Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.
- May – Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.
- October – Prime Minister Nawaz Sharif overthrown in military coup led by General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.
- 2000** April – Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.
- December – Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.
- 2001** 20 June – Gen Pervez Musharraf names himself President while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved.
- July – Musharraf meets Indian Prime Minister Atal Behari Vajpayee in the first summit between the two neighbours in more than two years. The meeting ends without a breakthrough or even a joint statement because of differences over Kashmir.
- September – Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1998, but retains others put in place after Musharraf's coup.

October – India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir for almost a year.

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

December – India, Pakistan mass troops along common border amid mounting fears of a looming war.

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

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

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

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

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

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

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

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

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

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

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

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

- 2004** February – Leading nuclear scientist Dr Abdul Qadeer Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.
- April – Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.
- May – Pakistan readmitted to Commonwealth.
- Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.
- June – Military offensive near Afghan border against suspected al-Qaeda [al-Qa'ida] militants and their supporters after attacks on checkpoints. Earlier offensive, in March, left more than 120 dead.
- August – Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.
- December – President Musharraf says he will stay on as head of the army having previously promised to relinquish the role.
- 2005** January – Tribal militants in Baluchistan attack facilities at Pakistan's largest natural gas field, forcing closure of main plant.
- 7 April – Bus services, the first in 60 years, operate between Muzaffarabad in Pakistani-administered Kashmir and Srinagar in Indian-controlled Kashmir.
- More than 200 suspected Islamic extremists are detained at premises which include religious schools and mosques. The move comes after deadly attacks in the British capital; three of the bombers visited Pakistan in 2004.
- August – Pakistan tests its first, nuclear-capable cruise missile.
- 8 October – An earthquake, with its epicentre in Pakistani-administered Kashmir, kills tens of thousands of people. The city of Muzaffarabad is among the worst-hit areas.
- 2006** January – Up to 18 people are killed in a US missile strike, apparently targeting senior al-Qaeda figures, on a border village in the North.
- February – More than 30 people are killed in a suspected suicide bomb attack and ensuing violence at a Shia Muslim procession in the north-west.
- April – A suspected double suicide bombing kills at least 57 people at a Sunni Muslim ceremony in Karachi.
- August – Security forces kill prominent Balochistan tribal leader, Nawab Akbar Bugti. Protests over his death turn violent.
- October – Raid on an Islamic seminary in the tribal area of Bajaur bordering Afghanistan kills up to 80 people, sparking anti-government protests. The army says the madrassa was a training camp for militants.

December – Pakistan says it has successfully test-fired a short-range missile capable of carrying a nuclear warhead.

2007 January – Islamabad rejects an assertion by the head of US National Intelligence that al-Qaeda leaders are hiding out in Pakistan.

February – Bombings in different parts of the country, including at Islamabad's Marriott Hotel and the international airport, kill a number of people.

68 passengers, most of them Pakistanis, are killed by bomb blasts and a blaze on a train travelling between the Indian capital New Delhi and the Pakistani city of Lahore.

Pakistan and India sign an agreement aimed at reducing the risk of accidental nuclear war.

March – President Musharraf suspends the Chief Justice Iftikhar Mohammed Chaudhry, triggering a wave of anger across the country.

March-April - Officials say around 250 people have been killed in fighting between South Waziristan tribesmen and foreign militants said to be linked to al-Qaeda.

May - Several killed in Karachi during rival demonstrations over dismissal of Chief Justice Chaudhry. Subsequent strikes paralyse much of the country.

May - A bomb blast in a hotel in Peshawar kills 24.

June - President Musharraf extends media controls to include the internet and mobile phones amid a growing challenge to his rule.

July - Security forces storm the Red Mosque complex in Islamabad following a week-long siege.

Supreme Court reinstates Chief Justice Chaudhry.

Ms Bhutto and President Musharraf hold a secret meeting in Abu Dhabi on a possible power-sharing deal.

August - Supreme Court rules Nawaz Sharif can return from exile.

September - Mr Sharif returns but is sent back to exile within hours.

October - Musharraf wins most votes in presidential election. The Supreme Court says no winner can be formally announced until it rules if the general was eligible to stand for election while still army chief.

Nearly 200 people die in fighting with Islamic militants in North Waziristan, stronghold of pro-Taleban and al-Qaida groups.

Ex-prime minister Benazir Bhutto returns from exile. Dozens of people die in a suicide bomb targeting her homecoming parade in Karachi.

November - Gen Musharraf declares emergency rule while still awaiting Supreme Court ruling on whether he was eligible to run for re-election. Chief Justice Chaudhry is dismissed. Ms Bhutto is briefly placed under house arrest.

Caretaker government sworn in.

New Supreme Court - now staffed with compliant judges - dismisses challenges to Musharraf's re-election.

Pakistan's Chief Election Commissioner announces that general elections to be held on 8 January 2008.

Nawaz Sharif returns from exile again.

Musharraf resigns from army post and is sworn in for second term as president.

15 December - State of emergency lifted.

27 December - Benazir Bhutto assassinated at election campaign rally in Rawalpindi.

2008 January – Elections postponed to 18 February.

Suicide bomber kills more than 20 policemen gathered outside the High Court in Lahore ahead of an anti-government rally.

Up to 90 fighters killed in clashes in the tribal region of South Waziristan, near the Afghan border, where militants have been openly challenging the army.

February – Parliamentary elections. The two main opposition parties gain a clear majority. They later agree to form a coalition government.

March – People's Party nominee Yusuf Raza Gillani becomes prime minister.

May – The disgraced Pakistani nuclear scientist, Dr Abdul Qadeer Khan, says allegations he passed on nuclear secrets are false and that he was made a scapegoat.

August – The two main governing parties agree to launch impeachment proceedings against President Musharraf.

Mr Musharraf resigns. Senate Speaker Muhammad Sumroo becomes acting president.

PPP leader Asif Ali Zardari - Benazir Bhutto's widower - says he will be the party's candidate in the presidential election set for 6 September.

Former PM Nawaz Sharif pulls his PML-N out of the coalition government, accusing the PPP of breaking its promise to approve the reinstatement of all judges sacked by former President Pervez Musharraf.

September – Asif Ali Zardari elected by legislators as Pakistan's new president.

Marriott Hotel in Islamabad devastated in a suicide truck bombing which leaves at least 50 dead. An Islamist militant group claims responsibility.

October – Earthquake in south-western province of Balochistan leaves hundreds dead.

November – President Zardari warns the US military that missile strikes on Pakistani territory are 'counter-productive'.

The government borrows billions of dollars from the International Monetary Fund to overcome its spiralling debt crisis.

December – India says militants who carried out the Mumbai terrorist attacks in November had Pakistani links, and it urges Pakistani action. Islamabad denies any involvement in the attacks, but promises to co-operate with the Indian investigation.

2009 February – Government agrees to implement Sharia law in north-western Swat valley in effort to persuade Islamist militants there to agree to permanent ceasefire.

March – Gunmen in Lahore attack a bus carrying the Sri Lankan cricket team. Five policemen are killed and seven players injured.

After days of public protests, the government gives in to opposition demands and announces the reinstatement of sacked former chief justice, Iftikhar Chaudhry, and other judges dismissed by former President Pervez Musharraf. The main opposition leader, Nawaz Sharif, calls off a mass protest march.

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Annex B: Political organisations

ALL JAMMU AND KASHMIR MUSLIM CONFERENCE

Founded 1948; advocates the holding of a free plebiscite in the whole of Kashmir.

Leader: Sardar Attiq Ahmed Khan. (Europa World Online) [1] (Political Organisations: All Jammu and Kashmir Muslim Conference)

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

Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and nationalist. Pakhtoonkhawa Qaumi Party merged with the ANP in February 2006, followed by the National Awami Party Pakistan in June of the same year. Leader: Abdul Latif Afridi. President: Asfandiyar Wali Khan. (Europa World Online) [1] (Political Organisations: Awami National Party) Following its success in the February 2008 parliamentary elections, winning 10 seats in the National Assembly and 31 seats in the Frontier (NWFP) Assembly (Elections.com, undated) [39a], the Awami National Party (ANP) formed part of the coalition in the National Assembly (*Dawn*, 13 March 2008) [42a] and joined with the PPP in the NWFP Assembly. (Geo TV, 5 March 2008) [45a]

AWAMI QIYADAT PARTY (PEOPLE'S LEADERSHIP PARTY)

Based in Rawalpindi. Founded 1995. Chair: General (retired) Mirza Aslam Beg. (Europa World Online) [1] (Political Organisations: Awami Qiyadat Party)

BALUCHISTAN NATIONAL PARTY (BNP) – AWAMI

Based in Quetta, led by Moheem Khan Baloch. (Europa World Online) [1] (Political Organisations: Baluchistan National Party (BNP) – Awami)

BALUCHISTAN NATIONAL PARTY (BNP) – MAINGAL

Based in Quetta, led by Sardar Mohammad Akhtar Maingal. (Europa World Online) [1] (Political Organisations: Baluchistan National Party (BNP) – Maingal)

JAMAAT-E-ISLAMI PAKISTAN (JIP)

Founded 1941. Seeks establishment of Islamic order through adherence to the teaching of Maulana Maududi; rightwing, led by Amir Qazi Hussain Ahmad. (Europa World Online) [1] (Political Organisations: Jamaat-e-Islami Pakistan)

JAMHURI WATAN PARTY (BUGTI) BALUCHISTAN

President: Nawab Talal Akbar Khan Bugti. (Europa World Online) [1] (Political Organisations: Jamhuri Watan Party)

JAMIAT-E-ULEMA- E-ISLAM (JUI)

Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. (Europa World Online) [1] (Political Organisations: Jamiat-e-Ulema-e-Islam) The JUI (Islamic Party of Religious Leaders) is led by Maulana Fazlur Rehman, a pro-Taliban cleric, who is also the general secretary of the six-party religious alliance the Muttahida Majlis-e-Amal. [35h]

JAMIAT-E-ULEMA-E-PAKISTAN (JUP)

Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. Leader: Maulana Shah Mohammed Noorani. (Europa World Online) [1] (Political Organisations: Jamiat-e-Ulema-e-Pakistan)

MILLAT PARTY

Advocates “true federalism”. Chair: Farooq Ahmed Khan Laghari (Europa World Online) [1] (**Political Organisations: Millat Party**)

MUTTAHIDA MAJLIS-E-AMAL (MMA)

An Islamic alliance between religious political parties in Pakistan including Jamiat Ulema-e-Islam (JUI) Maulana Fazlur Rehman faction, Jamiat Ulema-e-Islam (JUI) Maulana Samiul Haq faction, Jamiat Ulema-e-Pakistan (JUP), Jamaat-e-Islami and Tehrik-e-Islami. (Elections.com, undated) [39c]

MUTTAHIDA QAUMI MOVEMENT (MQM)

Founded in 1984 as Mohajir Qaumi Movement; changed name to Muttahida Qaumi Movement in 1997; associated with the All Pakistan Muttahida Students' Organization (f. 1978 as the All Pakistan Mohajir Students' Organization; name changed July 2006); represents the interests of Muslim, Urdu-speaking immigrants (from India) in Pakistan; seeks the designation of Mohajir as fifth nationality (after Sindhi, Punjabi, Pathan and Balochi); aims to abolish the prevailing feudal political system and to establish democracy. Founder and Leader: Altaf Hussain. President: Aftab Sheikh. (Europa World Online) [1] (**Political Organisations: Muttahida Qaumi Movement**)

See also Section 20: Ethnic groups, subsection [Formation of MQM](#)

NATIONAL PARTY

Based in Quetta. Founded in 2003 following the merger of the Balochistan National Movement and the Balochistan National Democratic Party. Chair: Dr Abdul Hayai Baloch. (Europa World Online) [1] (**Political Organisations: National Party**)

NATIONAL PEOPLE'S PARTY (NPP)

Based in Karachi. Founded in 1986, centre left-wing party advocating a just, democratic welfare state for Pakistan; breakaway faction from PPP. Chair: Ghulam Mustafa Jatoi. Parliamentary leader: Dr Ibrahim Khan. (Europa World Online) [1] (**Political Organisations: National People's Party**)

PAKHTOONKHWA MILLI AWAMI PARTY

Leader: Mehmood Khan Achakzai. (Europa World Online) [1] (**Political Organisations: Pakhtoonkhwa Milli Awami Party**)

PAKISTAN AWAMI TEHREEK (PAT)

Based in Lahore. President: Sahibzada Miskeen Faiz ur Rehman Khan Durani. Secretary General: Dr Anwaar Akhtar. (Europa World Online) [1] (**Political Organisations: Pakistan Awami Tehreek**)

PAKISTAN DEMOCRATIC PARTY (PDP)

Founded 1969; advocates democratic and Islamic values. President: Nawabzada Mansoor Ahmed Khan. (Europa World Online) [1] (**Political Organisations: Pakistan Democratic Party**)

PAKISTAN MUSLIM LEAGUE (PML-Q)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. PML (Functional) subsequently split from the party. President: Chaudhry Shujaat Hussain. (Europa World Online) [1] (**Political Organisations: Pakistan Muslim League**)

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)

Founded 1993 as a faction of the Pakistan Muslim League (Junejo). (Europa World Online) [1] (Political Organisations: Pakistan Muslim League – Nawaz)

PAKISTAN PEOPLE'S PARTY (PPP)

Launched in 1967 by Zulfikar Ali Bhutto, later led by his daughter, Benazir Bhutto, with son Bilwal installed as chairman following her assassination in December 2007.

"Founded on promises of 'egalitarian democracy,' the PPP flirted with socialist principles in its early days, gaining a mass popularity that continues to ensure it is among Pakistan's largest political parties. While the PPP has lost touch with its socialist roots, it remains popular among Pakistan's oppressed and underprivileged, particularly in the southern province of Sindh, from where the Bhutto family hails." (CNN, 18 February 2008) [33]

PAKISTAN PEOPLE'S PARTY (SHAHEED BHUTTO GROUP)

Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan. (Europa World Online) [1] (Political Organisations: Pakistan People's Party (Shaheed Bhutto Group))

PUNJABI PAKHTOON ITTEHAD (PPI)

Founded in 1987 to represent the interests of Punjabis and Pakhtoons in Karachi. President: Malik Mir Hazar Khan. (Europa World Online) [1] (Political Organisations: Punjabi Pakhtoon Ittehad)

SINDH NATIONAL FRONT (SNF)

President: Mumtaz Bhutto. (Europa World Online) [1] (Political Organisations: Sindh National Front)

SINDH TARAQI PASSAND PARTY (STPP)

Leader: Dr Qadir Magsi. (Europa World Online) [1] (Political Organisations: Sindh Taraqi Passand Party)

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)

Founded 1996, led by Imran Khan. (Europa World Online) [1] (Political Organisations: Tehrik-e-Insaf)

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Annex C: Terrorist organisations

(As reported in the South Asian Terrorism Portal, Pakistan Terrorist and Extremist Groups, undated [61e] and Jane's Sentinel Country Risk Assessments, Non-state armed groups, last updated 7 October 2007(?) [36e] unless otherwise stated. This list is not exhaustive).

HARKAT-UL-MUJAHIDEEN (HuM) (Formerly Harkat-ul-Ansar (HuA))

Formed in 1985 and previously known as the Harkat-ul-Ansar (HuA). Officially banned by the US in 2001 due to its links with al-Qaeda. [61e] Less active than other jihadi organisations and the level of threat from HuM itself is low. However former members have joined other more dangerous groups, or operate in different guises. [36e]

HARKAT-UL-MUJAHIDEEN AL-ALAMI (HuMA)

Formed in 2002 and based in Karachi, HuMA is a subsidiary of the HuM. Leaders Muhammad Imran and Muhammad Hanif were arrested for their alleged involvement in a plot to assassinate President Musharraf in 2002 and sentenced to death by an Anti-Terrorism Court in 2003.

HIZBUL MUJAHIDEEN (HM)

One of the largest terrorist groups operating in Jammu & Kashmir and proscribed under Pakistan's Prevention of Terrorism Act 2002. [61e] "HM is the militant wing of the Jamaat-e-Islami political party of Pakistan. HM presents a threat within Indian-administered Kashmir (IAK) through random bombing and other attacks, but its organisation and infrastructure are being eroded at an ever-faster pace by Indian security forces." [36e]

JAISH-E-MOHAMMAD (JeM) (Army of the Prophet)

Formed in 2000. Based in Pakistan and active in Jammu & Kashmir. Designated a Foreign Terrorist Organisation with links to the al-Qaeda network. [61e] Aliases include Khuddam-ul-Islam, Khudamul Islam and Kuddam e Islami. "The group is well trained, motivated and supported, and poses a major terrorist threat to India and Pakistan and to Western targets in both these countries." [36e]

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Set up in the United Kingdom in 1977 by co-founder of the Jammu and Kashmir National Liberation Front (JKNLF). Now run as two separate outfits, both called JKLF, one headed by Amanullah Khan and the other by Yasin Malik.

LASHKAR-E-JHANGVI (LeJ)

A Sunni extremist breakaway group of the Sipah-e-Sahaba Pakistan (SSP), formed in 1996.

LASHKAR-E-OMAR (LEO)

Reportedly founded in January 2002 and a conglomerate of Harkat-ul-Jihad-i-Islami (HuJI), Lashkar-e-Jhangvi (LeJ) and Jaish-e-Mohammed (JeM) cadres.

LASHKAR-E-TAIBA (LET) (Army of the Pure)

Formed in 1990. Also known as Jama'at-ud-Da'awa. Banned in Pakistan, India, United Kingdom and the United States. [61e] "The LeT is one of the most active and best known Kashmiri groups owing to its involvement in the 13 December 2001 suicide attack on India's parliament and represents one of the most significant threats to security forces and civilians in Indian-administered Kashmir (IAK) and beyond." [36e]

The LET were also accused of the attack in Mumbai in November 2008, which killed 188 people. [35v]

MUTTAHIDA JEHAD COUNCIL (MJC) (Also known as United Jihad Council)

A conglomerate of Pakistan-based Jehadi groups formed in 1990.

SIPAH-E-SAHABA PAKISTAN (SSP)

Sunni group. Proscribed in 2002 by President Musharraf. Reportedly changed its name to Millat-e-Islamia Pakistan following proscription. [61e] The SSP are no longer a significant organised force although individuals and small groups still pose a major threat to Shias and Christians. [36e]

**TEHREEK-E-NAFAZ-E-SHARIAT-E-MOHAMMADI
(Movement for the Enforcement of Islamic Laws)**

Founded in 1992 and proscribed in 2002. Main objective to impose Sharia law in Pakistan.

TEHREEK-UL-MUJAHIDEEN

Formed in 1990 with aims to merge Indian Jammu & Kashmir with Pakistan.

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Annex D: Prominent people

A List of Federal Ministers can be accessed via the Pakistan Government website at <http://www.pak.gov.pk/ministers.aspx> [29e]

BHUTTO, Benazir

Prime Minister of Pakistan from 1988 to 1990, and from 1993 to 1996. Killed in a bomb attack on 27 December 2007 as she was leaving an election rally in Rawalpindi. (BBC News, 27 December 2007) [35s]

BHUTTO, Bilawal Zardari

Son of Benazir Bhutto and Asif Ali Zardari, he was appointed chairman of the Pakistan People's Party (PPP) after his mother's death in late December 2007. However he is to continue his education in England (Mr Bhutto is 19 years old), while his father and co-chairman of the PPP, Asif Ali Zardari, effectively runs the party. (Daily News, 31 December 2007) [55e]

GILLANI, Yousaf Raza

Gillani served as the National Assembly speaker during Benazir Bhutto's second government from 1993 to 1996 and as a federal minister in Muhammad Khan Junejo's government from 1985 to 1988. (*Daily Times*, 23 March 2008) [55k] Vice-chairman of the PPP, he was elected prime minister on 24 March 2008 after receiving 264 votes in the 342-seat Lower House. (*Daily Times*, 25 March 2008) [55j]

HUSSAIN, Altaf

Leader of the political party Muttahida Qaumi Movement formerly known as the Muhajir Qaumi Movement (MQM). Altaf Hussain is currently in exile at London having been granted political asylum in the United Kingdom. (Elections.com, accessed 10 April 2008) [39d]

MUSHARRAF, Pervez

As head of the army, the then General Musharraf seized power from Prime Minister, Nawaz Sharif, in a bloodless coup in 1999. (BBC News, 18 August 2008) [35a] Facing impeachment by the coalition government on charges of violating the constitution and gross misconduct, following the suspension of the chief justice and the state of emergency in 2007, President Musharraf resigned on 18 August 2008. (BBC News, 18 August 2008) [35a]

SHARIF, Mohammad Nawaz

Prime Minister of Pakistan from November 1, 1990 to July 18, 1993, and from February 17, 1997 to October 12, 1999. His government was overthrown by the General Pervez Musharraf-led military coup in 1999. (Elections.com) [39b] Mr Sharif returned from exile in November 2007. (BBC Timeline: Pakistan, 17 March 2009) [35b]

ZARDARI, Asif Ali

Zardari led the Pakistani People's Party to election success following the death of his wife, Benazir Bhutto, in December 2007. Elected President of Pakistan on 6 September 2008. (BBC News, 6 September 2008) [35g]

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Annex E: List of abbreviations

ACHR	Asian Centre for Human Rights
AHRC	Asian Human Rights Commission
AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FATA	Federally Administered Tribal Areas
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRCP	Human Rights Commission of Pakistan
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Network
JTIC	Jane's Terrorism and Insurgency Centre
MSF	Médecins sans Frontières
NCSW	National Commission on the Status of Women
NWFP	North West Frontier Province
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
SPARC	Society for the Protection of the Rights of the Child
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCRC	United Nations Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

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