Home Office
Border & Immigration Agency

COUNTRY OF ORIGIN INFORMATION REPORT

PAKISTAN

7 FEBRUARY 2008

Border & Immigration Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i. This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and Immigration Agency (BIA), 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 24 January 2008. The 'Latest News' section contains further brief information on events and reports accessed from 25 January to 7 February 2008.

Ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA 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 BIA 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. BIA 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 BIA as below.

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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 BIA's country of origin information material. The APCI welcomes all feedback on the BIA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk

xii In the course of its work, the APCI reviews the content of selected BIA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

xiii Please note: It is not the function of the APCI to endorse any BIA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN PAKISTAN, FROM 25 JANUARY TO 7 FEBRUARY 2008

7 February — Ceremonies marked the end of the forty day mourning period after the death of Benzir Bhutto, and signal the start of campaigning by the Pakistan People's Party for the 18 February elections.
BBC News
http://news.bbc.co.uk/1/hi/world/south_asia/7232010.stm **Date accessed 7 February 2008**

` — There were reports of a truce between the Tehrik-e-Taliban Pakistan,a militant group active in South Wazirstan and led Baitullah Mehsud (blamed for the assasination of Benzir Bhutto), and the government
BBC News
http://news.bbc.co.uk/1/hi/world/south_asia/7232203.stm **Date accessed 7 February 2008**

6 February — The Pakistan People's Party (PPP) made public the will of former prime minister Benzir Bhutto. In the document Ms Bhutto names her husband, Asif Ali Zardari, as her preferred successor as leader of the party.
The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\02\06\story_6-2-2008_pg1_4
Date accessed 7 February 2008

5 February — Despite laws banning bonded labour such treatment continues, with an estimated 500,000 working as bonded labourers in brick kilns, including children. NGOs have persuaded brick some kiln owners to set up schools for the child labourers, with limited success.
IRINNEWS
http://www.irinnews.org/Report.aspx?ReportId=762965 **Date accessed 5 February 2008**

4 February — The Pakistan People's Party announced that it's co-chairman, Asif Ali Zardari (Benazir Bhutto's widower), would start campaigning for the 18 February elections on Thursday, 7 February – once the 40 day mourning period for Ms Bhutto's death had come to an end.
The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\02\04\story_4-2-2008_pg1_5
Date accessed 4 February 2008

3 February — Following his release from detention the previous day, the Supreme Court Bar Association President, Aitzaz Ahsan (and former SCBA president Justice Tariq Mehmood), was placed under house arrest for another 30 days on 2 February. Mr Ahsan was issued a restraining order by the Punjab Government. He was also barred from Sindh as he is considered a "danger to the peace" by the provincial government
The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\02\03\story_3-2-2008_pg1_5
Date accessed 4 February 2008

2 February — The Supreme Court Bar Association (SCBA) President Chaudhry Aitzaz Ahsan was released from 3 months of detention.

The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\02\02\story_2-2-2008_pg1_6 2008_pg1_9 **Date accessed: 4 February 2008**

1 February — It was reported that a senior Al Qaeda commander, Abu Laith Al-Libi, was killed in North Waziristan
The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\02\01\story_1-2-2008_pg1_1
Date accessed: 4 February 2008

Reportedly 1000s of lawyers, joined by members of civil society and poltical parties, took part in countrywide protests and processions against the continued detention of former Chief Justice Iftikhar Chaudhry.
Dawn
http://www.dawn.com/2008/02/01/top3.htm
Date accessed: 4 February 2008

25 January — The Pakistan Army claimed to have killed 40 militants, with 10 troops also killed, in fighting in South Waziristan.
The Daily Times
http://www.dailytimes.com.pk/default.asp?page=2008\01\25\story_25-1-2008_pg1_4
Date accessed: 4 February 2008

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 25 JANUARY AND 7 FEBRUARY 2008

Human Rights Watch, *World Report 2008*, Pakistan: Events of 2007, released http://hrw.org/englishwr2k8/docs/2008/01/31/pakist17611.htm **Date accessed 5 February 2008**

Committee for the Protection of Journalists, Attacks on the Press 2007, Asia, Pakistan, released 4 February 2008 http://www.cpj.org/attacks07/asia07/pak07.html **Date accessed 5 February 2008**

Background Information

1. GEOGRAPHY

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

"The Islamic Republic of Pakistan covers an area of 796,095 sq km (307,374 sq miles), excluding Jammu and Kashmir (the sovereignty of which is disputed with India)." The report added that Jammu and Kashmir are known as 'Azad' (Free) Kashmir, and cover a further 11,639 sq km (4,494 sq miles).. Europa further noted that Pakistan "…is bounded to the west, north-west and north by Iran and Afghanistan (a narrow panhandle in the high Pamirs separates it from direct contact with Tajikistan), to the north-east by the People's Republic of China, to the east and south-east by India and by Jammu and Kashmir, and to the south by the Arabian Sea…The capital is Islamabad." **[1] (p386)**

1.02 Pakistan is divided into four provinces - Balochistan, North-West Frontier Province; Punjab; and Sindh **[1] (Europa; p437)** - and two territories - the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA Factbook, 24 January 2008) **[34]** The FATA are composed of 7 tribal agencies - Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan, (USSD Background Note, Pakistan: Government; May 2007) **[2g]** and Pakistani held Jammu and Kashmir is split into two administrative areas: 'Azad' Kashmir and the Northern Areas. **[34] (CIA Factbook: Government; January 2008)**

1.03 Pakistan's current population is estimated to be 164,741,000 (CIA Factbook, last updated 24 January 2008). **[34]** According to the 1998 census the populations in the provinces were: 6.6 million in Balochistan; 17.7 million in North-West Frontier Province; 73.6 million in Punjab; and 30.4 million in Sindh. **[1] (Europa, Administrative Divisions; p437)** 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, May 2007) **[2g]**

1.04 The Library of Congress Country Profile noted with regard to ethnicity that:

"Ethnic groups in Pakistan generally are categorized according to various combinations of religion, language, and sometimes tribe. Punjabis are the largest linguistic group (44.2 percent of the population) and often are divided into three occupational castes: Rajputs, Jats, and Arains. Pakhtuns (15.4 percent) are the dominant ethnic group in the North-West Frontier Province, but Pakhtuns belong to different tribes or kinship groups and have no central governing authority. Sindhis (14.1 percent) are dominant in Sindh and are divided into occupational and caste groupings. Balochis (3.6 percent) are dominant in Balochistan and are divided into various eastern and western tribes. Other ethnolinguistic groups include the Siraikis, who live mostly in Punjab; Urdu-speaking Muhajirs, refugees from India and their descendants who migrated to Pakistan during the 1947 partition and are concentrated in Sindh; and Brahuis, a Dravidian language group in Sindh and Balochistan." **[46]**

This Country of Origin Information Report contains the most up-to-date publicly available information as at 7 February 2008. Older source material has been included where it contains relevant information not available in more recent documents.

1.05 The CIA World Factbook, updated 24 Janaury 2008, 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]** As reported in the Ethnologue website, "The number of languages listed for Pakistan is 72. Of those, all are living languages." **[6]**

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MAP

1.06



Link to Perry-Castañeda Library Map Collection
http://www.lib.utexas.edu/maps/index.html

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2. ECONOMY

2.01 The CIA Factbook, Pakistan profile, updated in January 2008, observed that Pakistan is

> "…an impoverished and underdeveloped country, has suffered from decades of internal political disputes, low levels of foreign investment, and a costly, ongoing confrontation with neighboring India. However, IMF-approved government policies, bolstered by generous foreign assistance and renewed access to global markets since 2001, have generated solid macroeconomic recovery the last five years. The government has made substantial macroeconomic reforms since 2000, most notably privatizing the banking sector. Poverty levels have decreased by 10% since 2001, and Islamabad has steadily raised development spending in recent years, including a 52% real increase in the budget allocation for development in FY07, a necessary step toward reversing the broad underdevelopment of its social sector. The fiscal deficit - the result of chronically low tax collection and increased spending, including reconstruction costs from the October 2005 earthquake - appears manageable for now. GDP growth, spurred by gains in the industrial and service sectors, remained in the 6-8% range in 2004-07. Inflation remains the biggest threat to the economy, jumping to more than 9% in 2005 before easing to 6.9% in 2007. The central bank is pursuing tighter monetary policy while trying to preserve growth. Foreign exchange reserves are bolstered by steady worker remittances, but a growing current account deficit - driven by a widening trade gap as import growth outstrips export expansion - could draw down reserves and dampen GDP growth in the medium term." **[34] (Economic Overview)**

2.02 Pakistan's Gross Domestic Product growth in 2007 was 6.4%, while unemployment was 5% and consumer inflation ran at 7.5%. Income (at purchasing power parity) was estimated to be US$2,755 per person (The Economist Intelligence Unit (EIU) Country Report, January 2008) **[75]** however in the year 2005/6, 24% of the population lived below the poverty line. (CIA Factbook, January 2008) **[34] (Economy)** About 42% of the workforce laboured in agriculture, 20% in industry and 38% in the service sector. The principal agricultural products are cotton, wheat, rice, sugarcane, fruits, vegetables; milk, beef, mutton and eggs. The main industries are textiles and apparel, food processing, pharmaceuticals, construction materials, paper products, fertilizer and shrimp. (CIA Factbook, January 2008) **[34] (Economy)**

2.03 The FCO country profile of Pakistan, last updated on 2 January 2008, observed that as of 1 October 2007 the average exchange rate was £1 = 122.85 PKR (Pakistan Rupee). **[11b]**

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3. HISTORY

INDEPENDENCE TO 2001

3.01 The publication 'Freedom House – Freedom in the World 2006' noted that:

"Pakistan came into existence as a Muslim homeland with the partition of British India in 1947. Following a nine-month civil war, East Pakistan achieved independence in 1971 as the new state of Bangladesh. The army has directly or indirectly ruled Pakistan for 31 of its 58 years of independence. As part of his efforts to consolidate power, the military dictator General Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive presidents cited corruption and abuse of power in sacking elected governments headed by Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

"After the PML decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan's pressing economic and social problems while attempting to undermine every institution capable of challenging him, including the judiciary and the press. However, when he attempted to reshuffle the army's leadership and fire the army chief, he was deposed in October 1999 in a bloodless coup. Chief of Army Staff General Pervez Musharraf then appointed himself "chief executive," declared a state of emergency, and suspended parliament, the provincial assemblies, and the constitution.") In December 2000, 18 of Pakistan's political parties, including archrivals PML and PPP, joined to form the Alliance for the Restoration of Democracy (ARD), an umbrella group calling for an end to military rule. However, Musharraf has been able to successfully neutralize Sharif and Bhutto, his primary political opponents, through a combination of court convictions and exile." **[19a]**

3.02 Europa Regional Surveys of the World: South Asia 2005 stated that:

"From the beginning, Gen. Musharraf was concerned to establish a self-consciously 'non-political', technocratic Government that would be able to command support both domestically and internationally and also pave the way for the reconstruction of Pakistani institutions. On 22 October 1999 he appointed four new provincial governors. Some four days later he announced a two-tier structure to head his administration: a National Security Council (NSC) and a civilian cabinet. The precise division of powers between these two bodies was not clear, though there was evidently a strong military character to the NSC, which initially comprised, as well as the Chief Executive, the two other chiefs of armed forces and four civilian experts…Provincial cabinets were also appointed. In mid-August 2000 the NSC was reconstituted and redefined as the supreme executive body: it henceforth comprised the three chiefs of armed forces and the Ministers of Foreign Affairs, the Interior, Finance and Commerce…At the beginning of November 1999, meanwhile, as evidence of the military Government's serious determination to confront official corruption, a National Accountability Bureau was established." **[1] (p408)**

3.03 Europa further noted that "By October 2000 it remained difficult to give any definitive judgement on the character and success of the regime, particularly its declared ambition to eliminate corruption and establish a 'real' democracy. Party mobilization was effectively banned, and the relatively free press was too limited to provide any balanced assessment of the Government. The major political parties were occupied with internal problems." **[1] (p408)**

3.05 Europa further noted that:

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

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

"The shifts that occurred in both domestic and international politics after the massive suicide attacks on US targets in New York and Washington, DC, in September 2001, gave President Musharraf the opportunity further to strengthen his position and weaken that of the main opposition parties. Whereas in the past the USA had been a strong critic of Pakistan's shift towards military rule, in the aftermath of the suicide attacks it recognised Pakistan's strategic importance in its efforts to carry out a campaign against the Islamic militant al-Qa'ida (Base) organization, held principally responsible for the attacks, and its Taliban [Taleban] hosts…As a result of ongoing dialogue between the USA and Pakistan, the former agreed to provide support to the South Asian country, both in terms of recognition and aid, and in return Pakistan offered a base for the US-led military campaign. The Pakistan President utilized this situation to justify attacks on Pakistan-based Islamic militants, who had extended their violent campaign from across the LoC [Line of Control – see sub-section on LoC in Section 6C] in Kashmir to within Pakistan." **[1] (p410)**

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EVENTS IN 2002

3.07 A report by the UNHCR dated 8 March 2002 stated that:

"On 13 January 2002, the government banned five groups including Lashkar-e-Taiba (LT), Jaish-e-Muhammad (JM), Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria Pakistan (TJP) and Tahrik-e-Nifaz-e-Sariat-e-Muhammadi [sic – spelt elsewhere as Tehrik-e-Nifaz-e-Shariat-e-Mohammadi] (TNSM) (Dawn 16 Jan. 2002a; The News International 16 Jan. 2002a; Shia News.com 12 Jan. 2002). Unlike the others, TJP is a Shia organization whose banning was understood by 'Shias in Pakistan as… only to keep a balance between the two [Sunni and Shia] rivals….' (ibid.). These groups join Lashkar-e-Jhangvi and Sipah-e-Mohammad, both of which were banned on 14 August 2001 in an effort to stop ethnic and sectarian violence (Dawn 13 Jan. 2002; AP 14 Aug. 2001)." **[20d] (p1)**

(See paragraph 3.15 for more groups banned in 2003 and Annex B for name changes)

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

"In early April 2002 the Government approved a plan to hold a national referendum seeking endorsement for Musharraf's term of office as President to be extended by five years, and approval of the Government's political and economic programme. Despite widespread opposition from human rights organizations, the media and political parties, the referendum was held at the end of April. According to official figures, about 98% of those participating supported the proposal. The recent lowering of the voting age from 21 to 18 and the suspension of the electoral register made it impossible to check the eligibility of voters; estimates for the turn-out ranged between 5% and 70% (opposition parties and independent monitors reckoned the former was more realistic whereas government estimates featured at the higher end of the spectrum. The referendum was viewed by some as an indication of Musharraf's success as a political leader, and regarded by others as a poll marred by gross irregularities." **[1] (p410)**

3.09 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 20 February 2007, records that:

"Shortly before the [October 2002] 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. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority. Under the LFO, all actions of the government between 12 October 1999 and 22 August 2002 would be validated upon reinstatement of the Constitution.

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

3.10 Europa Regional Surveys of the World: South Asia 2005 recorded that, in mid-2002, the PPP [Pakistan People's Party] formed a new political wing called the PPP Parliamentarians – PPPP – under new leadership in a bid to avert an imminent threat of losing the chance to contest the elections under the new rules. **[1] (p411)**

3.11 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 20 February 2007, records that "On 10 October 2002 national and provincial elections were held. No single party won an overall majority. The PML (Q) won the most seats (121), followed by the MMA (60) and the PPPP (59). The total number of seats in the National Assembly is 342 (including 60 reserved seats for women and 10 for minorities)." **[11b] (p3)**

3.12 Europa 2005 also recorded that, following the election for the National Assembly on 10 October 2002, the Pakistan Muslim League (Quaid-e-Azam – Q) won the largest percentage of votes (25.7 per cent) and 77 of the directly-elective 272 seats. Europa noted that "It did so, according to critics, with the aid of pre-poll rigging by the army and with Musharraf's support." **[1] (p411)**

Europa 2005 added that, following the elections to the Senate on 25 February 2003, the ruling party PML-Q won 38 of 100 Senate seats. **[1] (p446)**

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EVENTS IN 2003

3.13 Keesing's Record of World Events reported in December 2003 that:

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

(See paragraph 3.08 for groups banned in 2002 and Annex B for name changes)

3.14 Keesing's also recorded that "A ceasefire came into effect at midnight on Nov. 25-26 [2003] between the armies of India and Pakistan on the Line of Control (LoC) dividing their respective portions of Kashmir, marking the Muslim Eid-al-Fitr festival at the end of the fasting month of Ramadan." It noted that, on 25 November, it was agreed to extend the cease-fire along the Actual Ground Position Line (AGPL) in Siachen (at Kashmir's northern extremity). **[24b] (p45692)**

3.15 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 2 January 2008, reported that:

"The LFO [Legal Framework Order] met with bitter resistance from the opposition, particularly the alliance of religious parties, the MMA (Muttahida Majlis-e-Amal), producing a constitutional impasse (i.e. Parliamentary gridlock) for over a year. Finally, in December 2003, the government came to an agreement with the MMA and obtained the two-thirds necessary majority for approval. Under the deal, President Musharraf agreed to seek a vote of confidence from the electoral college, to consult the prime minister on the appointment of armed forces chiefs, and to step down as Chief of Army Staff by December 2004. However, at Musharraf's instigation, parliament subsequently passed legislation allowing the him [sic] to hold both offices until 2007." **[11b] (p3)**

3.16 Keesing's Record of World Events recorded in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. Musharraf escaped injury, declaring the attackers as "extremists". Keesing's reported that:

"Officials on Dec. 28 [2003] identified one of the suicide bombers [from the second attack] as a member of the banned Islamic extremist group Jaish-e-Mohammed (JeM) [see p.45693 [of Keesing's]], one of the most prominent militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir [for Musharraf concession on Kashmir see pp.45738-39 [of Keesing's]]…Information Minister Sheikh Rashid Ahmad said that the attack was carried out 'by an international terrorist network, which has its tentacles from Kashmir to Afghanistan', an apparent reference to al-Qaida." **[24c] (p45737)**

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

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EVENTS IN 2004

3.18 Keesing's Record of World Events for January 2004 reported that:

"President Musharraf on Jan. 1 [2004] won confidence votes in the National Assembly, the Senate (the bicameral federal legislature) and the four provincial assemblies of Baluchistan [Balochistan], North-West Frontier Province, Punjab, and Sind, further strengthening his hand following the National Assembly's approval on Dec. 29, 2003, of the Legal Framework Order (LFO), Musharraf's package on constitutional amendments." **[24a] (p45786)**

3.19 Europa Regional Surveys of the World: South Asia 2005 recorded that "In 2004 the Pakistani military, aided by technical and intelligence assistance from the USA, intensified its operations against the al-Qa'ida organization and the remnants of the Taliban [Taleban] along the Afghan border." **[1] (p423)**

3.20 Europa also stated that:

"The institutionalized influence of Musharraf and the military also increased in April 2004 when the National Assembly, in the face of passionate protests from many opposition members, passed a bill legitimizing the creation of the NSC as a 'consultative' organisation to advise the government on security and defence matters. Whilst the NSC was to be constituted as a body of 13 members drawn from the military and from the leaders of national and provincial legislatures, it was none the less structured in such a manner as to virtually guarantee presidential control of its proceedings and decisions." **[1] (p412)**

3.21 The BBC's 'Timeline' for Pakistan, accessed on 10 April 2007, noted that Pakistan was readmitted to the Commonwealth in May 2004. **[35b] (p5)**

3.22 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 2 January 2008, recorded that:

"Since the election of a new Congress-led Indian government in May 2004, India and Pakistan have continued their talks, which are structured around eight pillars: peace and security, Jammu and Kashmir Wular Barrage/Tulbul Navigation Project, Siachen glacier, Sir Creek, economic and commercial co-operation, Terrorism and drugs, and the promotion of friendly exchanges." **[11b] (p5)**

3.23 The same Country Profile on Pakistan also noted that "Since 1 September 2004, Shaukat Aziz has served as both Pakistan's Prime Minister and Finance Minister." **[11b] (p3)**

3.24 A BBC report of 9 September 2004 stated:

"More than 50 people were killed when Pakistani jets bombed a training camp believed to have been used by foreign militants, the military says. Air force bombers and helicopter gunships reportedly attacked the compound in a village in South Waziristan, near the Afghan border. The military says most of the dead were Chechen, Uzbek and Arab militants with suspected al-Qaeda and Taleban links. Witnesses say Pakistani tribesmen are also among those killed. It is one of the biggest attacks since Pakistani forces intensified operations in the area six months ago. Army spokesman Maj Gen Shaukat Sultan confirmed that more than 50 people had been killed in the raid on the camp near Dila Khula, a village about 25km (15 miles) north-east of South Waziristan's main town of Wana…He said the military learned of the camp after investigations into the recent spate of attacks by Islamic militants in other parts of Pakistan…Local residents spoke of the death of more civilians. One journalist said villagers gathered to survey the damage of the first strike, when Pakistani air forces struck a second time. The army denied there were significant civilian casualties…Wana is at the centre of Pakistani military operations against hundreds of al-Qaeda-linked suspects. Until March, when heavy military action began, militants were able to operate freely, correspondents say. Now the military believes they are running from one refuge to another. Observers say sympathy for the Taleban is still strong in North and South Waziristan. It is alleged that Osama Bin Laden and his deputy, Ayman al-Zawahri, are hiding somewhere along the 2,400km (1,490-mile) border." **[35d]**

3.25 The BBC's 'Timeline' for Pakistan, accessed on 10 April 2007, noted that in December 2004 "President Musharraf says he will stay on as head of the army having previously promised to relinquish the role." **[35b] (p5)**

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EVENTS IN 2005

3.26 The Human Rights Watch World Report 2006 recorded that:

"During the summer of 2005, Musharraf presided over a three-phase local government election marked by brazen intimidation, coercion, and pre-poll rigging. Some forty people died in election-related violence, making this the

most violent electoral exercise in Pakistan's recent history. During the campaign, many opposition candidates faced violence and intimidation at the hands of the police and civil administration. Independent observers reported numerous instances of kidnapping, mistreatment, and arbitrary detention of opposition supporters, as well as pre-election and election day irregularities." **[13a] (p3)**

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

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

3.28 Travel advice issued by the Foreign and Commonwealth Office and updated on 23 March 2007 reported that:

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

"The focus has now moved from relief to reconstruction." **[11a] (p5)**

(See also Section 27: Humanitarian issues)

EVENTS IN 2006

3.29 On 12 February 2006, the BBC stated that:

"Two Pakistani nomad women have been killed after a rocket fired across the border from Afghanistan landed on their tent, Pakistani officials say. Four children were hurt in the attack late on Saturday in North Waziristan. Locals say US-led coalition forces in Afghanistan fired four rockets into Pakistan's tribal area after coming under fire from unknown attackers. A US spokesman confirmed coalition forces had returned fire into Pakistan, but was not aware of casualties. The incident is the third this year in which civilians have been killed inside Pakistani territory in apparent missile strikes by US-led forces who are hunting al-Qaeda and Taleban suspects in the mountainous border area. Pakistan complained twice in January to US-led forces after two strikes within a week left at least 26 people dead in North Waziristan and in the Bajaur tribal area. Pakistan's President Pervez Musharraf said on Saturday that 'a close relative' of al-Qaeda number two Ayman al-Zawahiri had been killed in the

second of those attacks. But a number of local villagers also died and there were protests against the US in Pakistan. In the latest rocket attack, officials say US-led coalition forces fired rockets from the Shankai checkpost in the Afghan province of Khost…US military spokesman Mike Cody said that a security post on the border in Khost had been attacked from the Pakistani side on Saturday afternoon. 'The coalition forces identified this as coming from the border and co-ordinated with the Pakistan military and fired artillery rounds at the point of origin,' he told AFP in Kabul. The US has about 20,000 troops in Afghanistan, but Pakistan does not officially allow them to operate across the border." **[35f]**

3.30 The BBC noted on 6 March 2006 that:

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

(See also Section 8: Security situation)

3.31 On 5 March 2006 the BBC reported that:

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

3.32 On 31 October 2006, the BBC reported protests by tribesmen after an air strike on an Islamic school; the Pakistan Government claimed that the 80 people killed in the air strike were militants in a militant training facility, though the protesters claimed that they were innocent religious students. **[35u]**

3.33 On 16 November 2006, the BBC reported that the lower house of Parliament had voted on 15 November to amend Shari'a law so that rape cases would be tried by civil courts. The MMA (Muttahida Majlis-e-Amal), the opposition Islamic alliance, boycotted the vote. **[35s]** The BBC subsequently reported (on 23 November 2006) that the upper house had backed the bill, which also dropped the death penalty for people having sex outside of marriage. **[35v]**

3.34 The US State Department Report 2006 (USSD 2006), published on 06 March 2007 noted that:

"On December 1 [2006], President Musharraf signed the Women's Protection Bill, which reversed the most negative aspects of the Hudood Ordinances. Although, according to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances, few if any of those women had been released at the end of the year, despite the new law. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied…Prior to the December 1 signing of the Women's Protection Bill, husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances in order to control their behavior as a means of intimidation." **[2b] (Section 5)**

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4. RECENT DEVELOPMENTS

POLITICAL EVENTS IN 2007 TO PRESENT

4.01 On 9 March 2007, the BBC reported that Pakistan's Chief Justice, Iftikhar Chaudhry, was supended by President Musharraf for 'misuse of authority'. The article noted that "As the main judge in the Supreme Court, Mr Chaudhry had a reputation for taking a firm line against government misdemeanours and human rights abuses." **[35w]** A BBC report of 13 April 2007 noted that 2000 people gathered outside the court complex in Islamabad in support of Mr Chaudhry, who "has a reputation for judicial activism in cases that have caused embarrassment to the government" and who had "...taken a lead in cases involving the controversial privatisation of state assets and the fate of missing people allegedly abducted by the security forces. The main charge against Mr Chaudhry is that he used his authority to have his son appointed to a prestigious government position. Mr Chaudhry denies any wrongdoing, and has called for the closed hearings to be held in public. **[35x]**

4.02 On 12 May 2007 there were violent clashes in Karachi and around 40 people were killed in two days of gun battles. The violence was believed to be instigated by the Muttahida Qaumi Movement (MQM), a pro-Musharraf ethnic political party, in attempt to stop an anti-government rally of lawyers and opposition supporters who opposed President Musharraf's attempt to remove Chief Justice Choudhry. (*The Economist*, 17 May 2007) **[76a]** Amnesty International in its report, 'Fatal erosion of human rights safeguards under emergency', dated 23 November 2007 noted "In June, hundreds of political activists in Punjab province and other parts of the country were arbitrarily arrested and detained as they sought to hold peaceful rallies in support of the Chief Justice." **[4h]** On 20 July 2007 the Supreme Court ruled that Chief Justice Choudhry's suspension was 'illegal' and that he should be reinstated. The Government accepted the decision however the ruling was seen as a blow though to President Musharaf's authority. (BBC News, 20 July 2007) **[35aa]**

4.03 A BBC News report dated 12 July 2007 noted that on 3 July 2007 16 people were killed in clashes at the Red Mosque (Lal Masjid) in Islamabad, where students had been campaigning for Shari'a Law. Then, the article continued, on 10 July 2007 troops raided the mosque after a week long siege. 73 bodies of militants were found inside the mosque, 10 troops died in the raid. **[35ab]** Many of the dead were well-armed extremists, some with links to banned religious groups and al Qaeda. The dead included the head of the mosque, Abdul Rashid Ghazi. The raid brought to an end 6 months of resistence by the mosque against the authorities. (*The Economist*, 12 July 2007) **[76b]**

4.04 On 23 August 2007, the Supreme Court ruled that former Prime Minister Nawaz Shariz, who had gone into exile in 2000, could return to Pakistan. Mr Sharif attempted to enter the country on 10 September 2007. In defiance of the court ruling, the Government promptly deported Mr Sharif to Saudia Arabia. (*The Independent*, 11 September 2007) **[77]** BBC News reported on 19 October 2007 that, in contrast to Mr Sharif, Benazir Bhutto, another former prime minister also exiled but who had been participating in power sharing talks with President Musharraf, was allowed to return to the country. Shortly after her return at least 130 people were killed in Karachi as two bombs exploded in the crowds celebrating her arrival. **[35ac].** Mr Sharif was later able

to return to Pakistan on 25 November 2007. BBC News reported, "Many observers believe Gen Musharraf is only allowing Mr Sharif to return home because he is the one political figure who can prevent Ms Bhutto succeeding in [the elections for] Punjab province" (BBC News, 26 November 2007) **[35ad]**

4.05 President Musharraf won presidential elections on 6 October 2007, winning all five votes caste in both houses of parliament and all four provincial assemblies. However, opposition members of parliament had boycotted the elections, arguing that it was unconstitutional. Opposition parties and lawyers called for protests against the President Musharraf's relection. The Supreme Court stated that no winner could be declared until it had ruled on the legality of the president being both head of the country and chief of the army. (BBC News, 6 October 2007) **[35ae]**

State of Emergency (3 November to 15 December 2007)

4.06 On 3 November 2007 General Musharraf declared a state of emergency and "… suspended the constitution, sacked the chief justice of the Supreme Court and removed other judges of that court who declared his act illegal. Police immediately began arresting lawyers, politicians and human rights activists. Independent television channels were taken off the air and reporting restrictions imposed. Thousands have since been jailed, journalists threatened and protests by lawyers and others suppressed." (International Crisis Group, 12 November 2007) **[38b]**

4.07 Amnesty reported, in its report 'Fatal Erosion of Human Rights Safeguards under Emergency' dated 23 November 2007 that the constitution was replaced with a Provisional Constitutional Order (PCO), which allowed President Musharraf to suspend fundamental rights **[4h],** including security of person, freedoms of movement, assembly and association, and the equality of citizens (Articles 9, 10, 15, 16, 17, 19 and 25 of the Constitution). (Human Rights Commission of Pakistan, 7 November 2007) **[27f]** The Amnesty report further noted that the PCO empowered "…General Musharraf to amend the Constitution at will, without any parliamentary or other procedures. The PCO also prohibits any court issuing an order against the President, Prime Minister or any person exercising powers under their authority". Under the PCO, members of the Supreme Court and High Courts were suspended until they took an oath "to abide to the provisions of the proclamation of emergency of 3 November and the PCO – rather than the Constitution". **[4h]**

4.08 It was also reported that parliamentary elections to be held in January 2008 could be postponed for up to a year. (BBC News, 4 November 2007) **[35af]** However BBC News reported on 11 November 2007 that President Musharraf stated that he hoped elections would be held before 9 January 2008, having faced domestic and international criticism for delaying the elections. **[35ap]** On 20 November 2007 the Pakistan Election Commission set 8 January 2008 as the date for national and provincial elections; opposition parties threatened to boycott the elections. (Reuters, 20 November 2007) **[17c]** BBC News reported on 26 November 2007 that both former exiled prime ministers, Benazir Bhutto and Nawaz Sharif, had filed nomination papers for constituency seats in the forthcoming 2008 elections, though Mr Sharif threatened to boycott the elections unless the state of emergency was lifted. **[35aq]**

4.09 About 30 television channels went off air and were told to stop broadcasting foreign and local news channels, except for the state television channel. (HRW, 4 November 2007 **[13f]** Curbs were placed on the media: they could no longer publish or broadcast statements made by militants, nor could they criticise the Government. Breaching these restraints could result in a three year prison term and a fine (BBC News, 4 November 2007) **[35ah]** President Musharraf justified the introduction of the emergency on the grounds that the country was in crisis as a result of militant activity and an "unruly judiciary".(BBC News, 4 November 2007) **[35af]** However, the state of emergency was announced as the Supreme Court was considering if President Musharraf was eligible to stand for another term as President and whether the amnesty signed clearing Benazir Bhutto from corruption charges was legal. (BBC News, 14 November 2007) **[35ag]**

4.10 The declaration of emergency provoked protests throughout Pakistan and resulted in the arrest of lawyers, opposition activists, civil society members and some journalists. (*The Daily Times*, 6 November 2007) **[55b]** *The Economist* reported on 15 November 2007 that at least 2,500 human rights workers, political activists and lawyers had been arrested during the emergency. **[76c]** Amnesty noted in its report of 23 November 2007 that hundreds of human rights workers, lawyers (including senior lawyers such as the former Supreme Court Bar Association (SCBA) presidents Tariq Mahmood and Munir A Malik) and political activists had been detained. The Pakistan People's Party claimed that 7,500 of its workers had been arrested during the emergency. However the same report also noted that the Government had announced the release of 5,134 detainees on 21 November 2007. **[4h]** In its country profile of Pakistan, last updated on 2 January 2008, the Foreign Office 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]**

4.11 The terms of the National Assembly and General Musharraf's presidencyt expired on 15 November 2007. (*The Daily Times*, 16 November 2007) **[55c]** A caretaker government was established to take Pakistan to the elections to be held in January 2008. (BBC News, 15 November 2007) **[35ai]** Mohammedmian Soomro replaced Shaukat Aziz as prime minister. (BBC News, 16 November 2007) **[35aj]** The provincial assemblies in Sindh, Punjab and Balochistan were also dissolved on 18 November 2007, and caretaker bodies were to be put in place. (*The Daily Times*, 19 November 2007) **[55d]** The Supreme Court, its members having been replaced by General Musharraf's supporters after declaring emergency rule, ruled on 22 November 2007 against the final petition challenging General Musharraf's ratification as President, clearing the way for him to remain as Head of State. (The Guardian, On 28 November 2007) **[25a].** On 28 November 2007 General Musharraf stepped down as Chief of the Army and on the following day, as a civilian, he was sworn in as President. (BBC News, 29 November 2007) **[35ak]** On 15 December 2007 President Musharraf lifted the state of emergency and said he was committed to "transparent" elections being held on 8 January 2008. **[25b]** The emergency was lifted a day after the final deadline for submitting nomination papers for the January elections. All the main parties filed papars. However Nawaz Sharif and his brother Shabhaz were banned from contesting the elections because of pending corruption charges and previous convictions. The early days of the election campaign were marred by violence. (The EIU Country Report – Main Report, January 2008) **[75a]**

The assassinaton of Benazir Bhutto

4.12 On 27 December 2007, during campaigning for the forthcoming elections, Benazir Bhutto, leader of the opposition party the Pakistan People's Party (PPP), was assassinated by a suicide bomber. At least 20 other people died in the attack. Her death sparked a wave of protests in a several cities (BBC News, 27 December 2007) **[35al]** The authorities later blamed Baitullah Mehsud, a pro-Taleban militant commander, for Ms Bhutto's murder. (The Guardian, 29 December 2007**) [25c]** At least 50 people were killed in the riots following Ms Bhutto's death, most of them in the province of Sindh. (BBC News, 3 January 2008) **[35am]** The PPP announced on 30 December 2007 that Bilalal Bhutto Zardari, Ms Bhutto's 19 year old son, would be chairman of the PPP but the party would be run in effect by Asif Ali Zardari, Ms Bhutto's widower. (BBC News, 30 December 2007) **[35ao]** On 2 January 2008 the Chief Election Commissioner announced that conditions were not "conducive" to holding elections on 8 January, and that the elections would be postponed to 18 February 2008. Opposition parties said the delay was "a desperate measure designed to avoid defeat for President Musharraf's ruling party." (BBC News, 2 January 2008) **[35an]**

MILITANT ACTIVITY

4.13 During the course of the 2007 there were a number of clashes between the authorities and militants, primarily in the FATA. There were also a number of attacks and suicide bombs against targets in Pakistan's principal cities. The South Asian Terorrism Portal (SATP) website, satp.org, provides a thorough timeline of events during the course of 2007 and 2008 **[61c].** The Reuters' website Alertnet **[17]**, last updated 2 January 2008, also provides a useful summary of significant events during 2007.

4.14 Incidents of particular significance include:

2007

- January: A wave of suicide attacks follow an army airstrike on a militant base in South Waziristan. The attacks were carried were out by groups thought to have links with al Qaeda (Alertnet Timeline, updated 2 January 2008) **[17]**
- March/Arpil 2007: Around 250 people were killed in clashes between South Waziristan tribesmen and foreign militants, reported to have links with al Qaeda (BBC News, Timeline updated 18 January 2008) **[35ap]**
- July: a deal between the pro-Taliban militants in North Waziristan and the Government ended when the militants announce they were pulling out and accused the authorities of violating the pact.(Alertnet Timeline, 2 January 2008) **[17]** 73 militants and 10 soldiers were killed as the week long seige at the Red Mosque in Lahore ended in violence. (BBC News, 12 July 2007) **[35ab]**
- October: About 250 people were killed in fighting between the army and militant Islamist tribesmen, and tens of thousands are displaced from their homes near Mir Ali, North Waziristan in the FATA. Clashes between militants and security forces in the Swat valley, in the NWFP, left 180 people dead, hundreds displaced. (Alertnet Timeline, updated 2 January

2008) **[17]** At least 130 people were killed by two bombs set off amongst the crowds in Karachi which had gathered to see Benzir Bhutto's on her return from exile (BBC News, 19 October 2007). **[35ac]**

2008

- On 10 January 2008, a suicide bomber blew himself up outside the High Court in Lahore, shortly before an "anti-government procession of lawyers" was due to arrive. At least 24 were killed and 80 injured. (*Daily Times*, 11 January 2008) **[55f]**
- Over 50 killed Taliban militants killed on 9 January 2008 in fighting with the military in South Waziristan. Meanwhile in North Waziristan a tribal jirga was negotiating a peace deal between local Taliban militants and the army. (*Daily News*, 13 January 2008) **[55g]**
- Further clashes between the military and the Taliban in South Waziristan on 15 January, result in 7 troops and 40 insurgents dead, though the Taliban claim 166 troops were killed. (*Daily News*, 17 January 2008) **[55h]**

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5. CONSTITUTION

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

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

5.02 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 Regional Surveys of the World: South Asia 2005 stated that Pakistan's Constitution provides for a Federal Legislative structure, consisting of a President, a lower house (the National Assembly) and an upper house (the Senate). Europa adds that "The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years. He must be a Muslim. The President may be impeached for violating the Constitution or gross misconduct."

6.02 The CIA Factbook profile of Pakistan, updated on 24 January 2008, reported that Pakistan has a "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] (Legislative Branch)**

6.03 The FCO profile of Pakistan, updated on 2 January 2008, noted "Following the dissolution of the National Assembly on 15 November [2007], at the end of its full term, an interim executive has been appointed in accordance with the Constitution." The profile listed members of the current cabinet, Mohammadmian Soomro is the current caretaker prime minster and chairman of the cabinet. **[11b]**

Provincial Governments

6.03 Europa records that each of the four provinces had a Governor appointed by the President, each province also had a provincial legislature consisting of the Governor and the Provincial Assembly, and the Chief Minister of each provincial government was appointed by the Governor. **[1] (p443)** The USSD Background note on Pakistan, May 2007, 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]**

6.04 A *Daily Times* article dated 19 November 2007 noted that the provincial assemblies in Sindh, Punjab and Balochistan were dissolved on 18 November 2007, and caretaker bodies were to be put in place. **[55d]**

(See 'Azad' Kashmir and Northern Areas below)

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"AZAD" KASHMIR

6.05 A BBC News 'Q & A' on the Kashmir dispute published on 27 March 2006 reported that:

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

6.06 The report also stated that:

"Islamabad says Kashmir should have become part of Pakistan in 1947, because Muslims are in the majority in the region. Pakistan also argues that Kashmiris should be allowed to vote in a referendum on their future, following numerous UN resolutions on the issue. Delhi, however, does not want international debate on the issue, arguing that the Simla Agreement of 1972 provided for a resolution through bilateral talks. India points to the Instrument of Accession signed in October 1947 by the Maharaja, Hari Singh. Both India and Pakistan reject the option of Kashmir becoming an independent state….There are several groups pursuing the rival claims to Kashmir. Not all are armed, but since Muslim insurgency began in 1989, the number of armed separatists has grown from hundreds to thousands. The most prominent are the pro-Pakistani Hizbul Mujahideen. Islamabad denies providing them and others with logistical and material support. The Jammu and Kashmir Liberation Front (JKLF) was the largest pro-independence group, but its influence is thought to have waned. Other groups have joined under the banner of the All-Party Hurriyat (Freedom) Conference, which campaigns peacefully for an end to India's presence in Kashmir." **[35c]**

Line of Control

6.07 The BBC report of 27 March 2006 on the Kashmir dispute stated that:

"A demarcation line was originally established in January 1949 as a ceasefire line, following the end of the first Kashmir war. In July 1972, after a second conflict, the Line of Control (LoC) was re-established under the terms of the Simla Agreement, with minor variations on the earlier boundary. The LoC passes through a mountainous region about 5,000 metres high. The conditions are so extreme that the bitter cold claims more lives than the sporadic military skirmishes. North of the LoC, the rival forces have been entrenched on the Siachen glacier (more than 6,000 metres high) since 1984 – the highest battlefield on earth. The LoC divides Kashmir on an almost two-to-one basis: Indian-administered Kashmir to the east and south (population about nine million), which falls into the Indian-controlled state of Jammu and Kashmir; and Pakistani-administered Kashmir to the north and west

(population about three million), which is labelled by Pakistan as "Azad" (Free) Kashmir. China also controls a small portion of Kashmir." **[35c] (p3-4)**

6.08 The same report noted that "The UN has maintained a presence in the disputed area since 1949. Currently, the LoC is monitored by the UN Military Observer Group in India and Pakistan (Unmogip). According to the UN, their mission is 'to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of December 1971.'" **[35c] (p5)**

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Current Situation

6.09 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 2 January 2008, recorded that:

"In April 2003, President Vajpayee extended a 'hand of friendship' to Pakistan during a speech in Srinagar. This was followed by a number of measures taken by both countries to normalise their relations. Since then, full diplomatic relations have been re-established, transport links have resumed and there has been a ceasefire along the Line of Control in Kashmir since November 2003. Following their meeting in the margins of the SAARC Summit in January 2004, President Musharraf and Prime Minister Vajpayee issued a Joint Statement announcing that India and Pakistan would begin a Composite Dialogue, aimed at resolving all of the outstanding issues between the two countries, including over Kashmir. This announcement was widely welcomed in both India and Pakistan, and across the world. The British Foreign Secretary welcomed the news in a public statement: Jack Straw's statement, 6 January 2004.Since the election of a new Congress-led Indian government in May 2004, India and Pakistan have continued their talks, which are structured around eight pillars: peace and security, Jammu and Kashmir Wular Barrage/Tulbul Navigation Project, Siachen glacier, Sir Creek, economic and commercial co-operation, Terrorism and drugs, and the promotion of friendly exchanges. Progress to date has included the start, on 7 April 2005, of the first bus service since 1947 between Muzzaffarabad (in Pakistani-administered Kashmir) and Srinagar, (on the Indian side of the Line of Control). In addition, a bus service now links Lahore and Amritsar. A new service, between Poonch and Rawalakot was launched in June 2006." **[11b]**

6.10 A news release from Human Rights Watch, dated 21 September 2006 and announcing the publication of their report "'With Friends Like These…' Human Rights Violations in Azad Kashmir" stated that:

"Under Azad Kashmir's constitution, which Pakistan imposed in 1974, election candidates are prescreened to ensure that only those who support Kashmir's union with Pakistan can contest elections. Anyone who wants to take part in public life in Azad Kashmir has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or peacefully works for an independent Kashmir faces persecution…Torture is routinely used in Pakistan, and this practice is also routine in Azad Kashmir. Human Rights Watch has documented incidents of torture by the intelligence services and others acting at the army's behest but knows of no cases in which members of military and paramilitary security and intelligence agencies have been prosecuted or even disciplined for acts of

torture or mistreatment. Despite the Pakistani government's criticism of human rights violations in neighbouring Jammu and Kashmir state in India, refugees from Jammu and Kashmir are discriminated against and mistreated by the authorities. Kashmiri refugees and former militants from India, most of whom are secular nationalists and culturally and linguistically distinct from the peoples of Azad Kashmir, are particularly harassed through constant surveillance, curbs on political expression, arbitrary arrest and beatings." **[41h] (p2)**

6.11 On 7 December 2006 the BBC reported that, during an interview, President Musharraf had said that Pakistan may give up its claim to Indian-administered Kashmir subject to certain conditions, which included freedom of movement for people from both regions (Indian-administered Kashmir and Pakistan-administered Kashmir). **[35t]**

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NORTHERN AREAS

6.12 The USSD Report 2006 observed that:

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

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Human Rights

7. INTRODUCTION

7.01 In its introduction on human rights in Pakistan the United States State Department Country Report on Human Rights Practices 2006 for Pakistan (USSD Report 2006), released 6 March 2007, observed that:

"The government's human rights record remained poor. Major problems included restrictions on citizens' right to change their government, extrajudicial killings, torture, and rape. The country experienced an increase in disappearances of provincial activists and political opponents, especially in provinces experiencing internal turmoil and insurgencies. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Harassment, intimidation, and arrests of journalists increased during the year. The government limited freedoms of association, religion, and movement, and imprisoned political leaders. Corruption was widespread in the government and police forces, and the government made little attempt to combat the problem. Domestic violence and abuse against women, such as honor crimes and discriminatory legislation that affected women and religious minorities remained serious problems. Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns." **[2b] (Introduction)**

7.02 The Freedom House report, Freedom in the World 2007 profile on Pakistan released on 17 April 2007 noted that:

"Pakistan in 2006 remained firmly under the control of a military government headed by General Pervez Musharraf. Despite facing opposition from both secular and Islamist political parties, pro-Musharraf forces continued to hold sway in national politics, and Musharraf worked to ensure his personal continuation in power through the planned 2007 presidential and parliamentary elections. In the absence of a completely independent legislature and judiciary, the media remained one of the only forums that provided oversight of official actions and policy. However, the government has become less tolerant of such criticism and, on a number of occasions, harassed or intimidated members of the press. A range of other human rights violations, including "enforced disappearances" and torture, as well as widespread legal and societal discrimination against women and religious minorities, continued to be reported. Modest legal reforms that ameliorated some of the worst forms of discrimination against women with regard to rape were enacted during the year. Sectarian and terrorist violence remained a concern, and fighting between government forces and local Taliban in the Pashtun tribal areas as well as separatists in Baluchistan province escalated in 2006, leading to hundreds of deaths and the displacement of thousands of civilians." **[19b]**

7.03 The Human Rights Watch World Report 2007, released in January 2007, stated that:

"In office since a 1999 coup d'etat, President Pervez Musharraf's military-backed government did little in 2006 to address a rapidly deteriorating human rights situation. Ongoing concerns include arbitrary detention, lack of due process, and the mistreatment, torture, and 'disappearance' of terrorism suspects and political opponents; harassment and intimidation of the media; and legal discrimination against and mistreatment of women and religious minorities." **[13d]**

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8. SECURITY SITUATION

8.01 Jane's Sentinel Country Risk Assessment of Pakistan, updated 21 November 2007, observed that:

"The most pressing threat to stability is the continuance of extremist, sectarian and criminal violence in spite of many successful operations against various dissident groups. 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 Pakistani Taliban militants, while an increasing propensity for these groups to implement suicide attacks, particularly targeting military and security personnel, is troubling. Police and security forces remain hard-pressed to control tribal and extremist violence, which has intensified as part of the fallout from the storming of the Lal Masjid mosque. Moreover, a continuing low-level insurgency in Balochistan has added to internal security problems. Externally, India is considered the main threat, although a 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 potential for direct military action by US Special Forces in pursuit of Al Qaeda/Taliban forces is an ever-present concern." **[36j] (Executive Summary)**

8.02 The South Asian Terrorism Portal's (SATP) assessment of conditions in Pakistan for 2007, undated, noted that:

"A wide array of anti-state actors is currently engaged in varying degrees of violence and subversion in an extended swathe of territory. A cursory look at the map indicates that the North West Frontier Province (NWFP), Federally Administered Tribal Areas (FATA), and Balochistan are witnessing large-scale violence and insurrection. Violence in parts of the Sindh, Punjab and Gilgit-Baltistan has also brought these areas under the security scanner. Islamabad's writ is being challenged vigorously – violently or otherwise – in wide geographical areas, and on a multiplicity of issues. Well over half of the territory presently under Pakistan's control, including Gilgit-Baltistan and 'Azad Jammu & Kashmir', has passed outside the realm of civil governance and is currently dominated essentially through military force." **[61b]**

8.03 The SATP report continued

"Year 2007 unambiguously demonstrated that the flag of extremist Islam continues to flail vigorously and violently across Pakistan…In a welter of violence, at least 3,599 persons, including 1,523 civilians, 597 security force (SF) personnel and 1,479 militants, were killed in 2007. While militant and terrorist violence has been reported from all the provinces, the worst affected were FATA followed by the NWFP. Fatalities in 2007, at 3599, were substantially more than double the fatalities in the preceding year (1471). The number of civilians killed remained marginally higher than the number of militants and terrorists killed – a continuing trend since 2003. A sharp increase in terrorist violence was recorded after the Army's assault on the Lal Masjid in Islamabad on July 11, 2007. Indeed, the first half of 2007 (January-June) was marginally less violent than the same period in 2006 – with 869 fatalities in 2007 as against 984 in 2006 [the report added that the actual numbers of deaths may have been underreported]" **[61b]**

8.04 Alertnet.org, in its assessment of the army's conflict with militants in the northwest and southwest of Pakistan - in the tribal areas of South and North Waziristan in the FATA and in Balochistan - 'Pakistan violence: Violence plagues Pakistan's western border' updated on 2 January 2008 - stated that:

"In addition, as the country's political crisis deepened in 2007, there was a rise in suicide attacks on troops and other targets around the country. And Islamist violence appeared to be spreading across the northwest from Waziristan, where government control is minimal and pro-Taliban forces hold sway. When Pakistan's military ruler President Pervez Musharraf declared a state of emergency in November 2007, he cited rising militant violence as a key reason for the move. He suspended the constitution, sacked most judges and locked up lawyers, saying the judiciary was hampering the battle against militants." **[17b]**

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9. SECURITY FORCES

POLICE

9.01 The USSD Report 2006 stated that:"Police have primary internal security responsibilities. Under the Police Order (Second Amendment) Ordinance promulgated on July 2005, control of the police falls under elected local district chief executives known as nazims **[2b] (Section 1d)** The Jane's Sentinel Country Risk Assessment for Pakistan, Security and Foreign Forces, updated 31 May 2007, stated that there were 200,000 police officers (a 2005 estimate) in the country. **[36k]**

9.02 The Jane's report added

"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.) 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." **[36k]**

9.03 The USSD Report 2006 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 establishes the district level chief executive as principal supervisor. The order also calls for the immediate establishment of local oversight bodies that have been stalled since 2002. In Punjab and NWFP [North-West Frontier Province], public safety commissions were established and functioned. Similar commissions in Balochistan and Sindh were not as well developed. The government argued that these reforms would make police more responsive to the local community. Opponents charged that they would politicize the police force." **[2b] (Section 1d]**

9.04 The Jane's report further noted that the

"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, [sic] 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." **[36k]**

9.05 The USSD Report 2006 observed that

"Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and avenge personal grievances. Corruption was most prominent among police station SHOs [Station House Officers], some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection."

9.05 On the efficacy of the police, the USSD Report 2006 stated that

"Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous, serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officers, district nazims, provincial interior or chief ministers, federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution. However, these mechanisms were rarely used. Police often failed to protect members of religious minorities particularly Christians, Ahmadis, and Shi'as from societal attacks.The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights **[2b] (Section 1d)**

(See also Section 12: Arbitrary arrest)

9.06 The publication 'Freedom House – Freedom in the World 2007' reported that:

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

9.07 The USSD Report 2006 added that:

"In 2005 authorities established special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations." **[2b] (Section 1c)**

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Arbitrary Arrest and Detention

9.08 The USSD Report 2006 observed that the police frequently issued First Information Requests (FIR)

"…without supporting evidence as part of harassment or intimidation or not issued when adequate evidence was provided unless the complainant could pay a bribe. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred (see section 1.c.). When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14 day period provided in the law through the issuance of new FIRs." **[2b] (Section 1d)**

9.09 The same report also observed that "The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and were sexually abused (see sections 1.c. and 5). Police also detained relatives of wanted criminals to compel suspects to surrender (see section 1.f.)" **[2b] (Section 1d)**

9.10 Amnesty International's 2006 Annual Report on Pakistan, covering the year 2005, noted that:

"Dozens of suspects, Pakistanis as well as foreign men, women and children, were arbitrarily arrested on suspicion of terrorist activities and of contact with al-Qa'ida. Several 'disappeared' in custody and some were handed over to US custody, apparently without legal process…The non-governmental Human Rights Commission of Pakistan investigating the situation in Balochistan province found evidence of arbitrary arrests and detention, extrajudicial executions, torture and 'disappearances' committed by security and intelligence agencies.." **[4a]**

(See section 12: Arbitrary Arrest and Detention – Legal Rights)

Torture

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

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

9.12 The USSD Report 2006 recorded that:

"The law prohibits torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons. Under provisions of the Anti Terrorist Act, coerced confessions are admissible in special courts, although police did not use this provision to obtain convictions. Security force personnel continued to severely abuse persons in custody throughout the country. Human rights organizations reported that methods included beating, burning with cigarettes, whipping the soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, use of electric shocks, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women and children during interrogations.

"During the year, the NGO [Non Governmental Organisation] Lawyers for Human Rights and Legal Aid recorded 1,513 cases that they labeled torture. The NGO Asia Human Rights Commission reported approximately 1,319 cases of torture during the year. In May the NGO reported over 1,250 cases being committed during the previous 16 months, with most reported in Punjab and Sindh. Punjab had 743 cases, Sindh had 503, eight were reported in Balochistan, 43 in NWFP, and 23 in Islamabad. Torture occasionally resulted in death or serious injury" **[2b] (Section 1c)**

9.13 The USSD International Religious Freedom Report 2007 (USSD IRF 2007 Report) observed that "Police commonly tortured and mistreated those in custody and at times engaged 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. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates." **[2f] (Section II)**

9.14 The HRW report, 'With Friends Like These…", which reported on the situation in Azad Kashmir and was released in September 2006, noted that

"Human Rights Watch and others have long reported on the routine use of torture by the authorities in Pakistan, both in common criminal cases and against alleged political opponents. Politically motivated torture is typically used to compel politicians, political activists and journalists critical of the government to change their views or at least silence them. Documenting torture, particularly that perpetrated by the Pakistani military and its intelligence agencies, can be particularly challenging in Azad Kashmir. However, Azad Kashmir is no exception to the pattern of torture and mistreatment by Pakistani authorities documented in the rest of the country. Civilian law enforcement and the military and its intelligence agencies commit torture and other mistreatment with impunity. Most incidents of politically motivated torture recorded by Human Rights Watch involved the ISI, or the police acting on the military's behalf." **[13f] (Torture and Other Forms of Mistreatment)**

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Extra-Judicial Killings

9.15 The USSD Report 2006 noted that:

"Security forces extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Through

July [2006], human rights observers reported at least 37 instances of encounter killings and 79 killings in police custody. Police stated that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press reported that many of these deaths were staged…The government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity." **[2b] (Section 1a)**

ARMED FORCES

9.16 Jane's, in its Sentinel Country Risk Assessment for Pakistan, on Armed Forces, last updated on 28 December 2007, noted that the armed forces consist of 500,000 men in the army, a further 500,000 reservists, 25,000 in the Navy and 45,000 in the airforce. Additionally there are approximately 260,000 men in paramilitary forces, which include the National Guard, Pakistan Rangers, Frontier Corps and Balochistan Corps. The same source also observed that around 40,000 troops in addition to the same number of Frontier Corps are based in the Federally Administered Tribal Areas and the North West Frontier Province to deal with unrest there. 80,000 troops have also been deployed along the border with Afghanistan, to stem the flow of insurgents. As of January 2007, the combined armed forces had killed 800 Taliban and Al-Qaeda operatives. **[36l]**

9.17 The USSD Report 2006 stated that "Paramilitary forces such as the Rangers, the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control these forces when they assist in law and order operations. During some religious holidays, the government deployed the regular army in sensitive areas to help maintain public order." **[2b] (Section 1d)**

9.18 In its Pakistan Country Profile – Main Report dated 21 September 2007, the Economist Intelligence Unit stated that

"The army remains Pakistan's ultimate political arbiter, but its gradual shift into mainstream economic activity has tarnished its reputation as the least corrupt institution in the country. It has run the country for as many years as civilian governments have, and was the driving force behind the premature removal of the last four elected administrations—Ms Bhutto's in 1990 and 1996, and Mr Sharif's in 1993 and 1999—all of which paid the price for seeking to increase their power at the military's expense. In August 2001 and August 2005 General Musharraf's regime held non-party local polls to elect officials (nazims) who would represent a new breed of civilian politicians untainted by the excesses of their predecessors and inclined to support the army's political agenda. General Musharraf has, by and large, succeeded in achieving this goal. Under the new system, a nazim answers to a district co-ordination officer, who is appointed by the provincial governor, who is in turn appointed by General Musharraf. However, tensions have emerged over the division of power and funds between the nazim and the provincial members of parliament. The latter claim that their powers of patronage have been curtailed, thereby undermining their clout in their constituencies." **[75b]**

(For information on Arbitrary Arrest and Detention see section 12: Judiciary, subsection Arbitrary Arrest and Detention – Legal Rights and subsection and

Military Courts and the Army Act ; for information on Torture, Extrajudicial Killings and Arbitrary Arrest see subsection on Police above)

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OTHER GOVERNMENT FORCES

Intelligence Agencies

9.19 Jane's reported 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." **[36k] (Defence: Security and Foreign Forces)**

9.20 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." **[36k] (Defence: Security and Foreign Forces)**

(For information on Arbitrary Arrest and Detention see section 12: Judiciary, subsection Arbitrary Arrest and Detention – Legal Right and subsection and 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 Child Soldiers Global Report 2004 on Pakistan reports that:

> "The Pakistan National Service Ordinance of 1970 regulates national service. It states that officers and jawans (soldiers) may be recruited between the ages of 17 and 23, although they must have at least a year's training before participating in active service. Those in technical services, such as signals and nursing, may be recruited between the ages of 16 and 23. The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has not been used. There were no statistics on the number of under-18s serving in government armed forces.A number of cadet colleges admit children from the age of ten. The government has said that the colleges are focused exclusively on academic pursuits and that no military training is provided. The pupils are not considered members of the army and may choose whether or not to join the armed forces after completing schooling and attaining the age of 18. The minimum entrance age to Pakistan's higher military academies was not known. **[16] (p1)**

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11. JUDICIARY

ORGANISATION

11.01 The CIA World Factbook 2007, updated on 24 January 2008, stated that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ jurisdiction, with reservations." **[34]**

11.02 The USSD Background note on Pakistan, updated May 2007, 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 18 January 2008) stated that the Pakistan judicial system consists of a Supreme Court, High Courts in each of the provinces and 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] (Judicicary)**

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 sentice [sic] is upto [sic] four years, otherwise to the High Court." **[29c]**

11.05 The same source add that there are also special Special Courts and Tribunals to deal with specific types of cases, including

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

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 upto [sic] the value of Rs.25,000 has been abolished." **[29c]**

11.07 The government source additionally noted that there is an ombudsmen, overseeing the courts. The Wafaqi Mohtasib (Ombudsmen)

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

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Shariat Courts (Islamic Law)

11.08 The US State Department Report 2006 (USSD 2006), published on 06 March 2007, noted that:

"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." **[2b] (Section 1e)**

11.09 The United States State Department Report on International Religious Freedom 2007 for Pakistan, released on 14 September 2007 (USSD IRF 2007 Report), 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, in a blow to the power of the Shariat appellate benches, the Supreme Court Chief Justice, issuing a stay in the Mukhtaran Mai rape case, 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" **[2f] (Section II)**

(See subsections on Hudood Ordinances and Qisas and Diyat Ordinances below)

Anti-Terrorism Act and Courts

11.10 The USSD Report 2006 noted that:

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

11.11 The USSD 2006 Report stated that "Antiterrorist courts do not grant bail if the court has reasonable grounds to believe that the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges." **[2b] (Section 1d)** The Freedom House *Freedom in the World* 2007 report noted "Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights." **[19b]**

11.12 An article in The News International dated 11 January 2004 reported that:

"Making the anti-terrorism law stringent, the cabinet on Saturday [10 January 2004] declared financing of terrorism a non-bailable offence, with minimum four and maximum ten years jail terms. The cabinet meeting, chaired by Prime Minister Zafarullah Jamali, approved amendments to the Anti-Terrorism Act, 1997 in the light of UN Security Council resolutions.'Any individual or entity, involved in financing of terrorism shall be punished with rigorous imprisonment for a term of four to ten years in place of the original punishment of six months

to five years as provided in Section 11 (N) of the act,' Information Minister Shaikh Rashid Ahmed told reporters after the cabinet meeting."Rashid said, 'Financing of terrorism shall be a non-bailable offence and all societies and other institutions which have a potential to act as conduits for such financing shall be obliged to establish bank accounts and maintain information about their employees, clients, failing which they will face fine and revocation of licence.'" **[44] (p1)**

National Accountability Bureau (NAB)

11.13 A 2006 Freedom House 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]**

11.14 The Homepage of NAB's website, accessed on 16 April 2007, 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 failing within the National Accountability Ordinance (NAO)." **[26] (p1)**

11.15 A NAB organisational chart, displayed on their Homepage and accessed on 16 April 2007, showed that the NAB operate in Punjab, Sindh, the North-West Frontier Province, Baluchistan [Balochistan] and Rawalpindi, and has a Prosecution Wing (PGA Wing), an Investigation Monitoring Wing (IM Wing), a Financial Crime Investigation Wing (FCI Wing), an Overseas Operations Cell (OS Cell) and an Administration Wing. **[26] (p4)**

11.16 The USSD Report 2006 noted that:

"Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel…Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. **[2b] (Section 1d)** …Special accountability courts try corruption cases (see section 1.d. [in USSD 2006 Report]), including defaults on government loans by wealthy debtors brought by the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days." **[2b] (Section 1e)**

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Military Courts and the Army Act

11.17 In HRW's report, 'Destroying Legality: Pakistan's crackdown on Lawyers and Judges' released on 19 December 2007, 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.'" **[13g]**

11.18 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." **[13g] (Amendments to Laws under Emergency Rule)**

11.19 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 - help to explain why. 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]**

Federally Administered Tribal Areas

11.20 The USSD Report 2006 noted that:

> "The FATA have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe or to blockade a fugitive's village, pending his surrender or punishment by his own tribe. Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years." **[2b] (Section 1e)**

Tribal Justice System

11.21 The Society for the Protection of the Rights of the Child (SPARC) report, the State of Pakistan's Children, released in May 2007, 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." **[71] (pages 196-7)**

11.22 The same source further noted

> "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.'" **[71] (pages 196-7)**

11.23 The USSD Report 2006 stated that:

> "Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas (local councils), at times in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for

wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence. In the tribal areas, the settling of many family feuds, particularly over murder cases, involved giving daughters of the accused in marriage to the bereaved." **[2b] (Section 1e)**

11.24 The Human Rights Commission of Pakistan's report, 'State of Human Rights in 2005', issued February 2006, noted that:

"Elected representatives, politicians in power, administrators, clerics, and other influential elements in society continued to promote the jirga system, especially in the Frontier and Sindh provinces. In the former territory the function of the jirga was expanded to cover political and economic matters of concern to the provincial authority and in the latter the High Court ruling that the jirga system was illegal was flagrantly violated by the custodians of power themselves. In both provinces the increased reliance on the jirga revealed important societal elements' growing alienation not only from the justice system but also from other components of the state apparatus." **[27d] (p58)**

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INDEPENDENCE AND FAIR TRIAL

11.25 The USSD Report 2006 stated with regard judiciary's independence that

"The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. In nonpolitical cases, the high courts and Supreme Court were generally considered credible. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. According to the AHRC, more than 15,000 cases were pending before the Supreme Court. Ordinary cases take a minimum of five to six years, while cases on appeal can take as long as 20 to 25 years." **[2b] (Section 1e)**

11.26 The same report added that "The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes." **[2b] (Section 1e)**

11.27 The Freedom House Freedom in the World 2007 report on Pakistan noted that:

"Lower courts remain plagued by endemic corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a

number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. A November 2004 ICG report drew attention to the fact that the executive has extended its influence over the judiciary by using the appointments system to remove independent judges, fill key positions with political allies, and reward those who issue judgments favorable to the government. However, the Supreme Court in particular does occasionally show sparks of independence." **[19b]**

11.28 A report by the Human Rights Commission of Pakistan, 'State of Human Rights in 2005', issued February 2006, reported that:

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

11.29 With regard to cases dealt with by the National Accountabiliy Bureau the USSD Report 2006 observed that "In accountability cases, there is a presumption of guilt. Despite government claims that NAB cases pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary, which rely on courts marshal and Supreme Judicial Council venues, respectively." **[2b] (Section 1e)**

11.30 The practice of interference in the judiciary by the Executive continued during 2007. In March, President Musharraf suspended the Chief Justice of the Supreme Court, Iftikhar Choudhry, for "misuse of authority" though it was noted that Mr Choudhry had "a reputation for taking a firm line against government misdemeanours and human rights abuses". (BBC News, 9 March 2007) **[35w]** Mr Choudhry's suspension triggered mass protests, and on 20 July 2007 the Supreme Court ruled that the Chief Justice should be reinstated, a decision the Government accepted. (BBC News, 20 July 2007) **[35aa]** On 3 November 2007 President Musharraf declared a state of emergency and again dismissed Mr Choudhry. The Government also issued a Provisional Constitutional Order (PC) that suspended the constitution. Judges were required to sign an oath of allegiance to the PCO but 60 out 97 senior judges refused to do so (HRW, 4 November 2007) **[13f]** The judges were placed under de facto house arrest. HRW suggested that free and fair elections were not possible "…when the legitimate judiciary of the country has been deposed and replaced by hand-picked supporters of the government." (HRW, Destroying Legality…Summary, 19 December 2007) **[13g]**

(See Section 4: Recent History; subsection on State of Emergency)

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PENAL CODE

Text of Penal Code

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

Qisas and Diyat Ordinances

11.32 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)**

11.33 The USSD Report 2006 recorded "The law allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (diyat) or physical restitution (qisas). While diyat was invoked, particularly in NWFP [North-West Frontier Province] and in honor cases in Sindh, qisas have never been used." **[2b] (Section 1e)**

(See also sub-section: Shari'a Courts (Islamic Law))

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Blasphemy Laws

11.34 The USSD International Religious Freedom Report 2004 (USSD IRF 2004), published in September 2004, stated that

"The 'blasphemy laws' are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for 'whoever willfully defiles, damages, or desecrates a copy of the holy Koran….In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling 'the sacred name of the Holy Prophet Mohammed.' In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages.

Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims…." **[2c] (Section II)**

11.35 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 penalities:

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)

11.36 The USSD International Religious Freedom Report 2006 (USSD IRF Report 2006), released September 2006, noted that in an attempt to stop "frivolous" charges being filed under the blasphemy laws the Government enacted a law in January 2005 that required senior officers to investigate charges before a complaint was filed. After the introduction of the new procedures there was reportedly a decline in the numbers of blasphemy cases compared to the previous year. **[2a] (Section 2c)** However in contrast to this the USSD Report 2006 observed that the changes had not been effective as the senior police officers did not have the resources to review the cases. **[2b] (Section 2c: Freedom of Religion)**

(See Section 18: Freedom of Religion, sub-section Blasphemy Laws for more details on laws and their impact on minority religious groups)

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Hudood Ordinances

11.37 A Human Rights Commission of Pakistan publication (accessed 12 September 2006) stated that:

"In 1979 the following four Hudood Ordinances were enforced:

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

11.38 The Freedom House report Freedom in the World 2006 on Pakistan reported that "The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offences, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines…In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments." **[19a]**

11.39 The USSD Report 2006 noted that:

"The Hudood Ordinances provide Koranic [Hadd] punishments for violations of Shari'a (Islamic law), including death by stoning and amputation. Authorities did not use such punishments during the year [2006], as they required a high standard of evidence. **[2b] (Section 1c)** …On December 1 [2006], President Musharraf signed into law the Women's Protection Act, which rolled back the most negative sections of the Hudood Ordinances, particularly those sections that had dealt with sexual relations. The zina clause had made it difficult for rape victims to seek justice and put them at rise of prosecution for fornication. 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)**

11.40 The USSD 2006 Report also noted that despite the introduction of the Women's Protection Act on 1 December 2006 that:

"…according to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood

This Country of Origin Information Report contains the most up-to-date publicly available information as at 7 February 2008. Older source material has been included where it contains relevant information not available in more recent documents.

Ordinances, few if any of those women had been released at the end of the year, despite the new law. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied. The Hudood Ordinances were used by family members to control their children for making their own choices in marriage, abusive husbands, or neighbors to settle personal scores. According to the NGO [Non Governmental Organisation] Asian American Network Against Abuse, research in the country's prisons showed that many of women imprisoned under zina (adultery or fornication) laws were single or widowed women living alone, young brides who make their in-laws angry for not bringing enough dowry, or elderly women whose husbands did not want to be married to them anymore. There were also several cases of pimps who filed zina charges against women who were trafficked and refused to work. **[2b] (Section1d)**

11.41 The same source add that prior to the Women's Protection Bill's enactment

"… husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances in order to control their behavior as a means of intimidation. The Hudood Ordinance made rape victims liable to prosecution and led to thousands of women being imprisoned under false pretext. According to HRCP's [Human Rights Commission of Pakistan] 2005 report, there were approximately 4,621 women in jail under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail, with reputations destroyed" **[2b] (Section 5)**

11.42 However the USSD IRF Report 2007 observed that President Musharraf had ordered the release of all women held under the Hudood Ordinances **[2f] (USSD IRF 2007 Report; Introduction)** and the report further stated that "Nearly all women charged under the Hudood Ordinances were released following the passage of the Women's Protection Act. Several hundred remain within the legal system, but they were now housed in various Daarul Amaans (state operated women's shelters). Many were unable to return to their homes because of social ostracism." **[2f] (USSD IRF 2007 Report; Section II)**

(See also Section 18: Religious Groups, subsection Hudood Ordinances, and Section 22: 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 USSD Report 2006 stated that: "The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law." **[2b] (Section 1d)** 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 provided complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention." **[2b] (Section 1d)**

12.02 The USSD Report 2006 continued that:

"The district coordinating officer may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners were held in preventive detention for up to six months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held in preventive detention indefinitely. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely provided that judicial concurrence is granted every 15 days..." **[2b] (Section 1d)**

12.03 On availability of bail and the legal process the USSD Report 2006 noted that:

"The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and non bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non bailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until 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 50 to 52 percent of the prison population was awaiting trial." **[2b] (Section 1d)**

12.04 Available on Punjab Police's website is the Code of Criminal Procedure, 1898, as amended by Act II in 1997. The document codifes the arrest and trial process, and provides procedural guidance, among other things, on the power of the courts; arrest, escape and retaking; compelling appearance before a court; productions of documents and movable property before a court; unlawful assembly; and proceedings in prosecution cases. **[79]**

(See section 9: Security Forces; Police, subsection Arbitrary Arrest and Detention)

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13. PRISON CONDITIONS

13.01 The website, 'Foreign Prisoners Support Service', last updated for Pakistan on 24 June 2004, reported that:

"Under the 1962 West Pakistan Jail Warden Service Rules, prisons are managed by a career prison service, which sets qualifications for wardens, but these guidelines are reportedly not well observed. The service is organized by province under an inspector general of prisons. At division level, the senior official is the director of prisons, and there are jail superintendents at district and municipal levels. Simple lockups are maintained in some villages. There are some female wardens to handle female prisoners, but more are needed. Prisons are not salubrious places. The common criminal from a poor background is assigned to Class C confinement, with virtually no amenities. Abuse is common. Prisoners of higher social status are assigned to Class B prisons, where conditions are better, and they can procure better food and some amenities from their own pocket. Class A prisons are for 'prominent' offenders. Conjugal visits are not the rule but are allowed in some cases. Juveniles are handled separately in both the court system and in confinement. The criminal code prescribes special courts for offenders under age fifteen unless they are charged with a particularly serious offense and a high court orders that they be tried before a regular sessions court. There are juvenile wards in regular jails for offenders up to age twenty-one. In addition, a few reform institutions for boys between eleven and twenty years of age attempt to rehabilitate young offenders. The Pakistan Prisons Act of 1894 and the Prison Rules of Pakistan, both relics from the colonial era, permit the use of whipping as a punishment in prisons. They also permit the use of fetters and chains as instruments of restraint and punishment under certain conditions." **[42] (p1-2)**

13.02 The USSD Report 2006 stated that:

"Prison conditions did not meet international standards and were extremely poor, except for those cells of wealthy or influential prisoners. Overcrowding was widespread. According to the Society for Human Rights and Prisoners Aid (SHARP), there were 86,500 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. The number declined from the previous year because on July 1 [2006], President Musharraf ordered the release of children and prisoners charged with petty offenses. Others were released as part of the religious festivals of Eid-ul-Fitr and Eid-ul-Azha. During the year the government began a prison expansion and improvement program.. Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Foreign prisoners often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home country.. Authorities routinely shackled prisoners, including juvenile prisoners. The shackles were tight, heavy, and painful and reportedly led to gangrene and amputation in several cases.… 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 (see section 5)." **[2b] (Section 1c)**

13.03 The same source added that those held political or national security grounds "…were usually held in different conditions than the general prison population

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

13.04 The USSD Report 2006 also recorded "There were reports of prison riots, largely due to the poor living conditions inside the prisons. According to an Islamabad based NGO [Non Governmental Organisation], inmates complained about their treatment by jail staff and the 'culture of bribery' that prevailed at various levels of jail administration. Few resources were allocated to the maintenance of prison facilities." **[2b] (Section 1c)**

13.05 The USSD IRF Report 2006 reported that:

"Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Prison conditions, except those for wealthy or influential prisoners, were extremely poor. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates." **[2a] (Section II)**

13.06 The USSD Report 2006 also noted that "Landlords in Sindh and Punjab, as well as tribes in rural areas, operated illegal private jails According to a BBC report, a religious seminary in Haripur, NWFP, headed by Maulana Ilyas Qadri was used as a private "jail" to treat drug addicts. In October police raided the seminary and freed 112 persons, including seven British nationals. Police reported that they were held in chains. Some bore signs of torture and sexual abuse." **[2b] (Section 1c)**

Female and child prisoners

13.07 The USSD Report 2006 also noted that:

"Police held female detainees and prisoners separately from male detainees and prisoners. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. According to a BBC report, an independent NGO investigation found that 70 percent of children who came into contact with the police were abused in some way. Since the children were not separated from adult prisoners, they were also subject to sexual abuse. The report noted that the majority of the children were pre-trial prisoners, who were often acquitted one to three years later for lack of evidence. "**[2b] (Section 1c)**

13.08 The USSD Report 2006 Report continued that "According to women's rights NGOs [Non Governmental Organisations], there were approximately 2,500 women in jails nationwide at the end of the year, following the July 1 [2006] presidential order to release several thousand women and children who were imprisoned for petty offenses." **[2b] (Section 1c)** However the USSD IRF 2007 Report noted that during its reporting period (September 2006 to September 2007) President Musharraf had ordered the release of detained under the Hudood Ordinances and few remained in custody…" **[2f] (Introduction)**

13.09 The USSD 2006 Report further stated that:

"Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs [Non Governmental Organisations] estimated that approximately 2,317 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 majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions. The Supreme Court continued the suspension of a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for accused juveniles. It provides numerous protections for juvenile offenders not found in the normal penal code." **[2b] (Section 1c)**

13.10 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)…. "**[71] (p158)**

13.11 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 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 thegenitals)."

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." **[71] (pages 158-159)**

(See also Section 23: Women and Section 24: Children)

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14. DEATH PENALTY

14.01 Pakistan retains the death penality for ordinary crimes. (Amnesty International, 19 September 2007) **[4c]** During 2006 82 people were reported to have been executed, most of whom were in Punjab. In addition "446 people were sentenced to death, mostly for murder". (Amnesty International, 23 May 2007) **[4f]** The number executed almost doubled from 2005, during which 42 were killed. Of those executed in 2006, at least one person was a minor at the time he was sentenced to death (though not when executed). Also "Two men and a woman were stoned to death… in 2007, but in a[n] extra-judiciary case, tried by a tribal jury." (Hands Off Cain, August 2007) **[80]**

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15. POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.01 The USSD Report 2006 noted that: "The law provides for freedom 'to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order,' and freedom of association, and the government generally observed these rights, but with some restrictions" **[2b] (Section 2b).**

15.02 The USSD Report 2006 on the right to assemble observed that "While the law provided for this right, in practice, the government placed selective restrictions on the right to assemble and sometimes refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984...Police often used preventive detention and excessive force against demonstrators." **[2b] (Section 2b)**

15.03 On freedom of association, the same report added

"The law provides for the right of association subject to restriction by government ordinance and law. NGOs [Non Governmemtal Organisations] were required to register with the government under the 1960 Cooperative Societies and Companies Ordinance. No prominent NGO reported problems with the government over registrations during the year. Some continued to operate without registering and were not prosecuted. According to HRW's recently released report on freedom of expression and civil liberties in Azad Kashmir, individuals and political parties who did not support Kashmir's accession to the country were barred from participating in the political process, thus excluding individuals who supported Kashmir's independence. HRW noted that individuals who did not support Kashmir's accession to the country were subject to abuse by the intelligence agencies and the military." **[2b] (Section 2b)**

15.04 During the state of emergency announced on 3 November 2007, lasting until 15 December 2007, the Government suspended a number of fundamental rights, including the rights of association and assembly. (HRCP, 7 November 2007) **[27f]**

(See section 4: Recent Events, subsection State of Emergency).

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.05 The USSD Report 2006 noted that during 2006: "The government permitted all existing political parties to function. The government forced the PPP and PML N to elect in country leaders other than former prime ministers Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming prime minister for a third time, effectively eliminating Bhutto and Sharif." **[2b] (Section 3)** However both Benzir Bhutto (BBC News, 19 October 2007) **[35ac]** and Nawaz Sharif (BBC News, 26 November 2007) **[35ad]** were allowed to return to Pakistan during 2007.

15.06 The USSD Report 2006 continued that

"The government detained two opposition leaders, Javed Hashmi and Yousaf Raza Gilliani, on what the opposition claimed were politically motivated charges...The government ban on political party activities in the FATA [Federally Administered Tribal Areas] continued. According to the Frontier Crimes Regulation Act (FCRA) 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 Pakistan People's Party (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. The government did not allow candidates to register by political party, and did not permit political party rallies. Several religio-political parties campaigned covertly during the 2002 national elections." **[2b] (Section 3)**

15.07 The USSD Report 2006 continued that

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

15.08 The Freedom House report *Countries at the Crossroads 2006* on Pakistan, released on 3 August 2006 observed that "The government also continues to use the National Accountability Bureau (NAB) and a host of anticorruption and sedition laws in a discriminatory manner against political opponents, who were either jailed or blackmailed into joining the ruling party or desisting from criticizing the military authorities. **[19c]**

Lawyers

15.09 The HRW report, 'Destroying Legality: Pakistan's crackdown on Lawyers and Judges', dated 19 December 2007, noted that after President Musharraf first suspended Chief Justice Chaudhry in March 2007,a lawyers protest movement came into being in support of Mr Chaudhry. The Report observed that

"Government attempts to suppress a movement led by lawyers to restore the chief justice were often violent. Security personnel beat lawyers, opposition activists and journalists covering unfolding events.[1] The political crisis deepened on May 12, when 42 people died in violence instigated by activists of the Mutahedda Qaumi Movement (MQM), a major coalition partner in the Musharraf government, trying to prevent Chaudhry from entering Karachi to address the Sindh High Court Bar Association.[2] In the face of relentless country-wide protests by lawyers and human rights activists, joined later and only half-heartedly by opposition political party activists, Musharraf temporarily backed down and the Supreme Court restored the chief justice to office on July 20 [2007]" **[13g] (Background: The Lawyers' Movement for Judicial Independence)**

15.10 The same report noted that the lawyers' campaign had become one to restore constitutional rule and to oust President Musharraf. Lawyers had used the

county-wide network of bar associations to mobilise and, unlike domestic politicians, "proved impervious to coercion, blackmail or co-option. They used the safe-haven of the courts—customarily the police can only be invited in by court authorities—to mount effective protests against Musharraf." The report argued that purpose of the suspension of the fundamental rights and constitutional protections during the state of emergency was to enable

"… the evisceration of the judiciary as an independent institution, the transformation of courthouses into battlefields where lawyers were tear-gassed and beaten by police and intelligence officials with impunity. And it allowed for the arbitrary detention and humiliation of those who had sought strength in due process of law. The declaration of the state of emergency itself was not, as Musharraf claimed, necessitated by new terrorism threats, but by perceived threats to his own continued rule by an energized, principled lawyers' movement calling for genuine respect for independence of the judiciary and the rule of law." **[13g] (Background: The Lawyers' Movement for Judicial Independence)**

15.11 Amnesty International in its report on the events following the declaration of the state of emergency, 'Fatal erosion of human rights safeguards under emergency', dated 23 November 2007, observed that "Members of Pakistan's legal profession have been at the forefront of protests against the abrogation of constitutional protections, human rights violations and the assault on the independence of the judiciary. Several senior lawyers, including former Supreme Court Bar Association (SCBA) presidents Tariq Mahmood and Munir A Malik, have been held incommunicado since they were arrested on 3 November." **[4h]**

15.12 The same report added that "According to media and other reports, hundreds of lawyers have been arrested nationwide since the imposition of emergency rule, particularly in the cities of Karachi, Lahore, Peshawar, Rawalpindi, Quetta, Hyderabad, Sukhur and in many small towns and cities where many had been protesting peacefully against the state of emergency and the removal of senior judges. On several occasions, security forces reportedly beat protesting lawyers, and fired teargas at crowds protesting in Lahore and Karachi." **[4h]**

15.13 The HRW Report, 'Destroying Legality: Pakistan's crackdown on Lawyers and Judges,' 19 December 2007 commented that:

"Scores of government opponents including lawyers remain in prison across the country today; the leaders of the lawyers' movement and senior judges of the Supreme Court remain under house arrest. Thousands have been released, but the fear of being re-arrested hangs over them as charges against them under the Anti-Terrorism Act remain on file. Under the restored constitution, lawyers have to contend with the possibility of being banned from their profession should they earn the governments ire. And all government opponents face the very real possibility of finding themselves in "legal" military custody and facing prosecution by military courts under the amended Army Act….Musharraf used the emergency and the frontal assault on the judiciary, the legal profession and civil society in order to secure his continued rule. While the active phase of the crackdown on lawyers may have passed, Musharraf has used it to insulate all of the repressive measures he enacted during the period from future challenge. The emergency has formally ended;

the repressive measures Musharraf introduced under cover of the emergency remain the law of the land today. And the lawyers and judges, though still defiant, continue to face arbitrary arrest and imprisonment by a hostile government and the military establishment." **[13g] (Summary)**

(See section 4: Recent Events, subsection State of Emergency).

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16. FREEDOM OF SPEECH AND MEDIA

16.01 The USSD Report 2006 noted that "The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues however, some journalists were harshly intimidated and others practiced self censorship." **[2b] (Section 2c)** The Freedom House report, Countries at the Crossroads 2006, Pakistan, released 3 August 2006, noted that Article 19 of the constitution guarantees freedom of speech, though the article was circumscribed by other laws. **[19c]**

16.02 The Freedom House report continued

"The government has relaxed some of the controls over broadcasting and television since 2002, and private satellite television channels in Urdu operating from outside the country have expanded the choices available to Pakistani households. Pakistan's print media remain diverse and considerably independent. There are around 500 dailies, 1,236 weeklies, 270 fortnightlies, and 2,182 monthlies. The military regime uses different means to control this aspect of freedom, ranging from harsh legislation to curb free expression to the outright ban of publications that are too critical." **[19c]**

16.03 The USSD Report 2006 added on the subject:

"Newspapers and periodicals had to be given permission by the Kashmir Council and Ministry of Kashmir Affairs in order to publish within the territory. According to HRW's recently released report on Azad Kashmir, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.. There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, which is the official carrier of government and international news to the local media. The military has its own press wing, as well as two sections to 'monitor' the press. The few small privately owned wire services practiced self censorship. Foreign magazines and newspapers were available, and many maintained in country correspondents who operated freely…Newspapers were free to criticize the government, and most did so. Condemnation of government policies and harsh criticism of political leaders and military operations were common. Media outlets practiced self-censorship for fear of government agents engaging in retribution against papers and journalists critical of certain governmental policies….

"The government directly owned and controlled Pakistan Television and Radio Pakistan, the only non fee national electronic broadcasters. Both reflected government views in news coverage. Private cable and satellite channels GEO, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the government. Cable and satellite television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the BBC and the Voice of America, were available." **[2b] (Section 2a)**

16.04 The USSD IRF 2007 Report also, in particular with regard to religion and the blasphemy laws, observed 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 reform-minded Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorist Act, any action, including speech, intended to stir up 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." **[2f] (Section II)**

16.05 During the state of emergency, declared on 3 November 2007, all private stations and radio stations were initially taken off air. (BBC News, 4 November 2007) **[35af]** (However Reporters without Borders reported on 21 January 2008 that most TV stations resumed broadcasting on 12 November 2007 after signing a code of conduct introduced by the Government. The article also recorded the lifting of the broadcasting ban on the private TV Station Geo news channel, *Geo News*, on 19 January 2008. **(23d)**) Newspapers were allowed to continue to publish but with restrictions (BBC News, 4 November 2007) **[35af]** Another BBC News article dated 4 November 2007 reported that President Musharraf had identified that media, as well as the judiciary, as partly to blame for Pakistan being on the "brink of catastrophe". **[35ah]** In order to control the media President Musharraf introduced a number of curbs on the media, achieved by modifying the "2002 Press, Newspapers, News Agencies and Books Registration Ordinance and the 2002 Pakistan Electronic Media Regulatory Authority Ordinance." (Reporters without Borders (RSF), 6 November 2007) **[23b]**

16.06 The RSF article continued

> "…all the media are now forbidden to broadcast video footage of suicide bombers or terrorists, or statements by militants and extremists; express opinions prejudicial to the ideology, sovereignty, integrity or security of Pakistan; incite violence or hatred or any action prejudicial to maintenance of law and order; broadcast anything that brings the president, armed forces or state institutions into ridicule; refer to any matter that is sub-judice; or broadcast anything that could be false or baseless If the new regulations are violated, the government is given full powers to seize newspapers, while the Pakistan Electronic Media Regulatory Authority (PEMRA) is given similar powers to confiscate equipment from broadcast media. Media owners face up to three years in prison and a fine of 10 million rupees. Pakistani radio and TV stations are also banned from signing broadcast agreements with foreign news media without PEMRA's permission, while cable operators and distributors can be sentenced to up to a year in prison for breaking the new rules." **[23b]**

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JOURNALISTS

16.07 The USSD Report 2006 stated that:

> "There was an increase in government arrests, harassment, and intimidation of journalists during the year. According to the NGO AHRC, the government banned three FM radio stations and two television channels, although service was restored after protests from civil society. According to Internews, an NGO that monitors the state of the media in the country, there were 127 attacks against the media and journalists during the year [2006]. By the end of the year, at least five journalists had been killed; nine abducted (of which seven were later released without charges being filed against their abductors); 191 attacked, beaten, tortured, or shot at; 45 arrested; four jailed; and 13 threatened. In addition 15 publications, 3 television channels, and 23 Web sites were temporarily banned; three newspaper presses were raided; one FM station was sealed. Seventeen journalists and media organizations were going through court cases; 30 were prevented from covering official functions; and 11 newspapers or magazines were denied state-sponsored advertising from public funds for being critical of government policies. Internews believed that many cases were not reported because journalists in small cities and towns functioned at the mercy of local authorities and were reluctant to complain of intimidation, even if they knew where to register their problems." **[2b] (Section 2a)**

16.08 The Human Rights Watch World Report 2007 stated that:

> "Though media freedoms have increased in recent years, particularly for the English–language press, free expression and dissemination of information were persistently undermined in 2006 by the murder, torture, kidnapping, illegal detention, and coercion of reporters working for local, regional, national, and international media…In addition, many print and television journalists were verbally threatened by intelligence personnel, government officials, and non-state actors." **[13d]**

16.09 Reporters Without Borders [Reporters Sans Frontières – RSF] 2007 annual report on Pakistan, released on 1 February 2007, noted that:

> "An explosion in the number of independent TV channels boosted pluralism and the quality of news. But the security forces radicalised their methods of repression: a score of journalists were kidnapped and tortured by the military. The situation is worst of all in the tribal areas. The murder of reporter Hayatullah Khan in the tribal areas in June 2006 provoked an unprecedented wave of protests across the country…The case underlined the brutality of security forces towards journalists who take too close an interest in what goes on in the tribal areas and in Baluchistan. Under pressure, the government set up two investigative commissions but has never made their conclusions public.In 2006, at least ten other journalists were kidnapped by security forces, sometimes held for a few hours only, but often in very harsh conditions...The very few journalists based in the tribal areas in Baluchistan are caught in the crossfire between security forces, jihadist militants and tribal chiefs. Some imams and Taliban chiefs used their clandestine FM radios to relay propaganda and to call for reprisals against journalists. The majority of these illegal stations have been closed by the federal government...Harassment and threats remain the preferred methods of the security services. Reporters

This Country of Origin Information Report contains the most up-to-date publicly available information as at 7 February 2008. Older source material has been included where it contains relevant information not available in more recent documents.

Without Borders recorded more than 40 such cases in 2006…The head of state's services have just drawn up a list of 30 editorialists and journalists "to turn" in a bid to ease criticism in the press." **[23a]**

16.10 During 2007 Reporters without Borders (RSF) and the Committee for the Protection of Journalists (CPJ) reported a number of incidents of arrests, kidnapping, killing of and threats against journalists in Pakistan (see the RSF and CPJ website sections on Pakistan**). [RSF – 23c; CPJ – 22b]**

16.11 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. The Musharraf administration restricted media coverage of controversial issues throughout the year, notably in regard to the suspension of the country's chief justice in March. A presidential decree in June gave the Pakistan Electronic Media Regulation Authority (PEMRA) the power to halt broadcast transmissions and close media offices, among other anti-democratic actions. The clampdown was consolidated after the November emergency decrees in the lead-up to elections that had been set for January 8, 2008. The emergency was lifted on December 15, but the disputed media laws remain in place…The impacts of the November emergency declaration were felt immediately in the media community. Broadcasting transmissions were blocked, military personnel entered the offices of broadcasters, equipment and film were seized, and attempts were made to stop presses, among other things. In many cases, media workers and their managers defied authorities as the PFUJ the leading organisation of journalists in the country, led a national protest movement. In some cases, authorities responded with force. Five photographers and television cameramen, arrested at a protest on November 5….

"Many other journalists and media workers were arrested, assaulted or otherwise harassed. In Abbotabad on November 4, police baton-charged a procession of journalists and lawyers, resulting in injuries to three journalists, the PFUJ reported. In Rawalpindi on the same day, police beat journalists who were covering lawyers' protests and tried to remove film from their cameras. Later in the month, a reported 160 to 180 journalists were detained at a protest in Karachi, where dozens of journalists were injured. All were later released.

"During this period, authorities attached to PEMRA pressed media institutions and journalists to sign a government mandated"code of conduct". Certain broadcasting networks – their finances under pressure due to the denial of permission to broadcast or the withdrawal of government advertising – reportedly felt compelled to sign the code. The code is of great concern to defenders of free expression because it leaves far too much arbitrary power of enforcement in the hands of government." **[21] (Preface)**

(See section 4: Recent Developments)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The Freedom House report, Countries at the Crossroads 2006 on Pakistan, released on 3 August 2006 observed that

"Pakistan has a very vibrant civil society, with around 70,000 nongovernmental organizations (NGOs), a large majority of which are Islamist in nature. However, as the military regime is wary of NGOs, they continue to face legal impediments. Registration is used selectively to influence both NGO work and the areas in which they may operate. The government periodically attempts to interfere in the flow of assistance to NGOs. Another, more subtle, method of control has been the Pakistan Center for Philanthropy-an NGO that is ultimately controlled by the government and has been set up to govern other NGOs. The Edhi foundation, the largest nonprofit relief organization in Pakistan and one that takes positions on social issues independent of the government, received anonymous letters threatening to blow up its office buildings in 2005. Officials, including General Musharraf, periodically accuse NGOs receiving foreign donations of undermining Pakistan's international prestige by highlighting human rights violations." **[19c] (Accountability and Public Voice)**

17.02 The USSD Report 2006 noted that:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The government sought their technical cooperation, especially from international NGOs, in the fields of women's empowerment, election training, election commission capacity building and other areas. They are required to be registered, although this requirement was not generally enforced. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP [Human Rights Commission of Pakistan] investigated human rights abuses and sponsor discussions on human rights issues during the year [2006].

"International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country and had access to prisons and detention centers. ICRC staff characterized the government as 'cooperative'" **[2b] (Section 4)**

17.03 The USSD 2006 Report also noted that "The government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions…Visits by local human rights monitors occurred during the year; however, the government denied the International Committee of the Red Cross (ICRC) access to alleged terrorist detainees." **[2b] (Section 1c)**

17.04 The USSD 2006 Report further reported that:

"The Senate and National Assembly Standing Committees on Law, Justice, and Human Rights held hearings on a number of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. While the committees served as useful fora to raise public awareness of such issues, their final actions generally adhered to government policy. The

Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied effectively for reform in key areas. The proposed National Human Rights Commission remained stalled between the Ministry of Law and Justice and the Speaker's Secretariat." **[2b] (Section 4)**

"International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country and had access to prisons and detention centers. ICRC staff characterized the government as 'cooperative'" **[2b] (Section 4)**

17.05 The Freedom House report, 'Freedom in the World 2007' stated regarding Pakistan that "Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. In recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas." **[19b]**

17.06 The Amnesty report, 'Fatal erosion of human rights safeguards under emergency', dated 23 November 2007, noted 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. The same source noted that "On 4 November, the Office of the Human Rights Commission of Pakistan was raided by a large police contingent. More than 50 human rights activists, who had gathered to discuss the emergency, were arrested and charged with unlawful assembly and maintenance of public order law and initially detained in Kot Lakhpat jail, Lahore… At least 53 of the other detained activists were released on bail, however they remain under threat of re-arrest." **[4h]**

17.07 The Amnesty report also noted that those affected included

"the Chair of the Commission, UN Special Rapporteur for freedom of religion Asma Jahangir. She was served a 90-day detention order on 3 November under preventive detention laws and remained confined in her house, which was declared a sub jail by the authorities, till 17 November, when the detention order was withdrawn. A similar detention order was issued against Hina Jilani, UN Special Representative of the Secretary General on human rights defenders, who currently is not in Pakistan." **[4h]**

(See section 4: Recent Developments, subsection on the State of Emergency)

18. CORRUPTION

18.01 Pakistan is ranked 138th in the world in Transparency International's Corruption Perceptions Index (Denmark, Finland and New Zealand in joint first place being the least corrupt). **[81]** The USSD Report 2006 noted in its introduction that "Corruption was widespread in the government and police forces, and the government made little attempt to combat the problem." The report added "Corruption among executive and legislative branch officials remained a problem during the year, and public perception of corruption was widespread. The National Accountability Ordinance prohibits those convicted of corruption by the NAB from holding political office for 10 years (see section 1.d.)." **[2b] (Section 1d)**

18.02 The Freedom House *Freedom in the World* 2007 report on Pakistan noted that:

"Corruption is pervasive at almost all levels of politics and government… Although Musharraf has publicly stated that eliminating official corruption is a priority, the National Anti-Corruption Strategy approved in 2002 focuses 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 to induce them to defect and join the PML-Q." **[19b]**

Fraudulent documents

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

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

18.04 The same report stated that: "The Information Centre on Asylum and Migration of the German Federal Office for the Recognition of Foreign Refugees indicated that: "[i]n nearly all cases, the documents presented [by asylum seekers] for proof of persecution (reports under the penal code, warrants for arrest, court judgments, lawyers' correspondence) were falsified or of incorrect content. In Pakistan, it is not…difficult to have a (simulated) criminal proceeding initiated against oneself, in order to get authentic documents (e.g. a 'First Information Report' or a decision to set the accused free until the date of the trial)… It is possible…either [to] pay for or to use private contacts to have a newspaper article published depicting a situation of persecution (30 Mar. 2004)." **[12a] (p6)**

(See Section 9: Security Forces, subsection Police)

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 The US State Department International Religious Freedom Report (USSD IRF Report) 2007, published on 14 September 2007, 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 Government enacted the Women's Protection Act, which amended the Hudood Ordinances, by moving rape and adultery cases from the Shari'a to secular courts… 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." **[2f] (Introduction)**

19.02 In addition the USSD Country Report on Human Rights Practices 2006 (USSD 2006) observed that "Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity." **[2b] (Freedom of Religion)** The USSD IRF Report 2007 also noted that "The Constitution provides for the 'freedom to manage religious institutions.' In principle, the Government does not restrict organized religious groups from establishing places of worship and training members of the clergy. In practice, however, religious minorities suffered from restrictions on this right." **[2f] (Section II: Status of Religious Freedom)**

19.03 The United States Commission on International Religious Freedom (USCIRF 2007) Annual Report released 2 May 2007 stated

> "Sectarian and religiously motivated violence persists in Pakistan, particularly against Shi'as, Ahmadis, Christians, and Hindus, and the government's somewhat improved response to this problem continues to be insufficient and

not fully effective. The current government's political alliance with militant religious parties has served to strengthen such groups and give them influence in the country's affairs disproportionate to their support among the Pakistani people….In addition, 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. These religious freedom concerns persist amid the wider problem of the lack of democracy in Pakistan…" **[53]** (**p245**)

19.04 The same report noted that despite efforts by the Government since mid 2005 to register all religious schools, or 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]** (**p245**)

19.05 On the same subject the USSD IRF 2007 report noted that "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" **[2f] (Section II)**

19.06 The USSD IRF 2007 added that 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." **[2f] (Section II)**

19.07 The Human Rights Watch World Report 2007 on Pakistan noted that

"Discrimination and persecution on grounds of religion continued in 2006, and an increasing number of blasphemy cases were registered. As in previous years, the Ahmadi religious community was a particularly frequent target. Ahmadis have been legally declared non–Muslims under Pakistani law and they can be charged under the blasphemy law for simply calling themselves Muslims. Scores were arrested in 2006. In June, three Ahmadis were badly beaten by a mob, while 10 houses, a mosque, and shops and other property belonging to Ahmadis were set on fire in a village near the town of Daska in Punjab province. Other religious minorities, including Christians and Hindus, also continue to face legal discrimination, though the government appears to have instructed the police to avoid registering blasphemy cases against them." **[13d]**

Demography

19.08. Based on the Pakistan's most recent census conducted in 1998 the USSD IRF Report 2007 recorded that

> "…approximately 96 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 religions. 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. **[2] (Section I: Religious Demography)**

19. 09 However the USSD IRF Report 2006 noted that although officially only 4 per cent of the population, leaders of non-Muslim groups claimed that religious minority groups actually represented 10 per cent of the total population. **[2a] (Section I: Religious Demography)**

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CONSTITUTION AND LEGISLATION

19.10 The USSD IRF Report 2007 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." **[2f] (Section II: Status of Religious Freedom)** The USCIRF Report 2007 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 Chrisitan communities. The report also noted that "Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and, with some exceptions, perpetrators of attacks on minorities are seldom brought to justice." **[53] (p246)**

Blasphemy Laws

19.11 The USSD IRF Report 2004 stated that

> "The 'blasphemy laws' are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for 'whoever willfully defiles, damages, or desecrates a copy of the holy Koran….In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling 'the sacred name of the Holy Prophet Mohammed.' In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296

outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims…." **[2c] (Section II)**

19.12 The USSD IRF Report 2007 added 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 religious minorioty were insulted the legislation was rarely enforced and cases only occasionally entered the legal system. **[2f] (Section II: Status of Religious Freedom).**

19.13 The same report 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. Courts would be unlikely to act objectively in such cases. Resolving cases was very slow; 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" **[2f] (Section II: Status of Religious Freedom)**

19.14 The USSD IRF Report 2006 stated that the blasphemy laws, as well as the Hudood Ordinances and the 'anti-Ahmadi' laws, had been used "to intimidate reform-minded Muslims, sectarian opponents, and religious minorities, or to settle personal scores." **[2c] (Introduction)** The USSD IRF Report 2007, concurred with this and 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". **[2f] (Section II: Status of Relgious Freedom)**

19.15 According to the USSD Report 2006 "Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used in business or personal disputes to harass religious minorities or other Muslims. Most complaints were filed within the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. "**[2b] (Section 2c: Freedom of Religion)**

19.16. Reporting on the issue of the changes introduced to the blasphemy laws in January 2005 the USSD Report on Human Rights Practices 2006 observed that "… President Musharraf signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. However, according to human rights and religious freedom groups, this was not effective because senior police officers did not have the resources to review these cases. During the year [2006] the

courts convicted one person and acquitted three under the blasphemy laws; 73 cases were ongoing." **[2] (Section C: Religious Freedom)** On the same matter the USCIRF Annual Report 2007 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." **[54] (p248**

19.17 The USCIRF 2007 report added 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." **[54] (p248)**

19.18 In contrast to these two later sources the USSD IRF Report 2006 observed that there had been in a decline from 54 cases reported in the previous year (September 2004 – September 2005) to 24 new blasphemy cases brought during its reporting period (September 2005 to September 2006). The drop in cases may have been due to a revision in the implementation of the laws, which were changed so senior police officers were required to investigate cases before charges were filed. **[2c] (Section II)** The same report added "According to figures compiled by local NGOs, between 1986 and April 2006, 695 persons were accused of blasphemy: 362 Muslims, 239 Ahmadis, 86 Christians, and 10 Hindus. In many cases filed during the year, the accused were either released on bail or charges were dropped. Of the 695 individuals accused of blasphemy at the end of the reporting period [September 2006], 22 remained in detention awaiting trial on blasphemy charges, and 9 were in prison following conviction." **[2a]** (**Section II: Status of Religious Freedom)** However the USSD IRF Report 2007 noted that "During the reporting period [September 2006 to September 2007], authorities arrested at least 25 Ahmadhis, 10 Christians, and 6 Muslims on blashphemy charges [a total of 41 cases as compared to 24 in the previous reporting year]. Many remained in prison at the end of the reporting period. The National Commission for Justice and Peace stated that 'Generally we do not request bail because of security. Blasphemy suspects are often safest in prison under police protection.'" **[2f] (Section II: Status of Religious Freedom)**

19.19 The Freedom House *Freedom in the World* 2007 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 have been increasing in recent years… To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released. 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 registered in 2006, according to the U.S. State Department's 2006 Report on International Religious Freedom." **[19b]**

(See section 11, sub-section on Blasphemy Laws)

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Hudood Ordinances

19.20 The USSD IRF Report 2006 observed that "The Hudood Ordinances criminalize rape, extramarital sex, property crimes, alcohol, and gambling. They apply equally to Muslims and non-Muslims. Hudood violations can be tried on either Qur'anic or secular standards of evidence. If Qur'anic standards are used, Muslim and non-Muslim and male and female testimony carries different weight, and harsh Qur'anic punishments can be applied." **[2c] (Section II: Status of Religious Freedom)**

19.21 The USSD IRF 2006 continued that no successful cases have been brought under Qur'anic standards, with potentially harsh punishments, though

"…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." **[2c] (Section II: Status of Religious Freedom)**

19.22. On 1 December 2006 President Musharraf signed into law the Protection of Women Act. The law "essentially 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 2007; Section II: Legal/Policy Framework, 14 September 2007) **[2c]**

(See section 11 on Hudood Ordinances and section 22: Women, subsection Women's Protection Act (and the Hudood Ordinances))

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Anti-terrorist laws

19.23 The USSD IRF Report 2007 recorded

"Under the Anti-Terrorist Act, any action, including speech, intended to stir up 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." **[2f] (Section II: Status/Religious Freedom – Legal/Policy Framework)**

Apostasy

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

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]**

Provincial law – North West Frontier Province

19.26. The USSD IRF 2006 noted that the provincial government in the Northwest Frontier Province (NWFP) had passed legislation in accordance with the conservative Islamic views of its supporters. Although the "Hisba Bill" had been passed by the NWFP Assembly in 2005 the Supreme Court had overturned this and declared the bill unconstitutional. **[2c] (Introduction)** The USSD IRF Report 2007 observed that "In December 2006 a Supreme Court decision prevented provincial action on the Hasba [sic] Bill in the NWFP that would have created a parallel judicial system in that province based on Shari'a." ." **[2f] (Section II: Status of Religious Freedom)**

19.27 The USSD IRF Report 2007 also stated that

"The Mutahida Majlis-e-Amal (MMA)-led provincial government, a coalition of six conservative parties in the NWFP, continued to pass directives and legislation in accordance with conservative Islamic views. If implemented, many of these initiatives would impose Islamic law on all citizens, regardless of religious affiliation. Existing laws include antiobscenity measures under which advertising has been torn down, stores have been fined for selling certain western recordings, a complete ban on alcohol, and a requirement for civil servants to pray five times daily." **[2f] (Section II: Status of Religious Freedom)**

FATWAS

19.28 In a response to a request for information dated 19 November 2004, the Canadian Immigration and Refugee Board (CIRB) reported that

"A *fatwa* is a religious edict or decree (UPI 20 Oct. 2002; *The News* 25 Mar. 2004; AI 8 July 2002; *PakTribune* 3 June 2004), which has traditionally been issued by an individual with religious knowledge and piety; however, 'the modern era has also seen *fatwa* giving by individuals ... who had no traditional training' (Masud *et al*. 1996, 8, 27). One trend noted in several reports on Pakistan is that *fatwas* can be issued by either *mullahs* or *muftis* (AI May

2001, 16, 23-25, 29-30; Newsday.com 5 Oct. 2001; *Chicago Tribune* 11 Oct. 2001). The *Encyclopaedia of Islam* defines a *mullah* (variously *mollah*, *molla*, *mulla*) as 'simultaneously a title of function (*'uhda*), of dignity or profession and of rank (*mansab*).... [which refers] in the first instance [to] any Muslim scholar who has acquired a certain degree of religious education and an aptitude to communicate it' (1991, Vol VII, 221)" **[12d]**

19.29 The report provided further information on fatwas, including noting that there was some contention between the sources the CIRB had consulted on who may issue a fatwa and the impact of a fatwa. The report also provided examples of fatwas against Muslims and non-Muslims up to June 2004. **[12d]**

19.30. An editorial dated 16 December 2006 in *The Daily Times* discussed the subject of fatwas with regard to a case heard in the Peshawar High Court. The article considered that "Pakistan has a functioning Federal Shariat Court attuned especially to forestall the evil habit of issuing fatwas." **[55a]**

19.31 The article further noted that fatwas do not fall "within the ambit of the law" and added that

"…all manner of fatwas have done a lot of harm to our society. They are responsible for gradually cutting the ground from under the jurisdiction of the state. Fatwas have been obtained by the powerful to intimidate the less privileged and the muftis themselves belong to religious organisations involved in jihad and they are in a position to enforce the fatwa with coercion. For example, when the Jaish-e-Muhammad was riding high and had its 17 offices in Lahore under the patronage of certain intelligence agencies in Islamabad, its gun-toting youths made their pocket money through the enforcement of fatwas." **[55a]**

19.32 The same source continued "In Karachi the business of fatwas is rampant. Even if in some cases they are helpful in ending a dispute and getting one party to accept arbitration, it is essentially suicidal for a state to allow this activity." **[55a]**

19.33 The *International Herald Tribune*, dated 10 April 2007, reporting on the case of a fatwa issued by activist clerics at the Lal (Red) Mosque in Lahore against the Tourism Minister, Nilofer Bakhtiar, stated that "Pakistani officials dismissed the fatwa, saying it had no legal, religious or moral authority. Human rights and political activists and many other Pakistanis have condemned the action and expressed support for her." **[56]** On the same incident the USSD IRF 2007 noted that "In May 2007 Tourism Minister Nilofar Bakhtiar was forced to resign after criticism from hardline Islamic clerics. She was photographed in April 2007 hugging an elderly man after completing a paragliding flight to raise money for charity. The clerics considered her public display of affection to be obscene." **[2f] (Section II: Status of Religious Freedom)**

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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 **[14c]** 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). (National Reconstruction Bureau; Part III of the Constitution of the Islamic Republic of Pakistan, undated) **[57]** The LFO **[14c]** 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; Part III of the Constitution of the Islamic Republic of Pakistan, undated) **[57]**

19.37 The USSD IRF Report 2007 observed, in regard to Ahmadhis, that,

"Those wishing to be listed as a Muslim must swear to believe that 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. Initial voter registration no longer required such an oath, but the Election Commission claimed that any Muslim registrant whose religion was challenged by the public would have to take the oath. As a result, Ahmadis continued to boycott elections." **[2f] (Section II: Status of Religious Freedom)**

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AHMADIS

Background

19.38 The website Encyclopaedia.com entry on the 'Ahmadiyya' or Ahmadi movement states 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'anically inspired name) in Pakistan and administering a network of schools and hospitals. His successors have been chosen from among Ghulam Ahmad's descendants; the leader of the movement (since 2003) is Mirza Masroor Ahmad (b. 1950). The other branch, less willing to distinguish itself from mainstream Islam, recognized Ghulam Ahmad as a reformer (mujaddid) and established what came to be known as the ahmadiyya anjuman ishaat-i Islam movement in Lahore, Pakistan, also known as the Lahore Ahmadiyya Movement. Both branches engage in energetic missionary activity in Nigeria, Kenya, Indonesia, and the Indian subcontinent. "**[8]**

19.39 The same source continued 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]**

19.40 A comparative study of the Lahore Ahmadiyya Mocement and Qadiyani or Ahmadiyya Movember stated that the Qadiyani Ahmadis believe, unlike mainstream Islam which believes in the finality of the prohpethood, 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. **[9] (Available on the website of the Lahore Ahmadiyya Movement)**

Demography and distribution

19.41 According to official figures obtained from the last census conducted in Pakistan in 1998, Ahmadis represented 0.22% **[58b]** of the total Pakistan population (at that time) of 132,325,000 **[58a]** – approximately 291,000 people.

However the USSD IRF Report 2006 noted that "Ahmadis have boycotted the census since 1974, rendering official numbers inaccurate. They claimed at least 2 million adherents centered on their spiritual town of Chenab Nagar, Punjab (referred to as Rabwah by Ahmadis)." **[2a] (Section I: Religiuous Demography**) The USCIRF Report 2007 stated that there were between 3 to 4 million Ahmadis in Pakistan. **[54] (page 247)**

19.42 A report published by Minority Rights Group International in August 2002, entitled 'Religious Minorities in Pakistan', noted that "Most Ahmadis are from central Punjab but are scattered across towns and cities. After their designation as a non-Muslim minority, many moved to Europe and elsewhere, although their cultural, family and language links with the Punjab remain strong." **[59] (page 10)** The USSD IRF Report 2006 noted that the Ahmadi population was centred around Rabwah **[2a] (Section I: Religious Demography)**, which has a population, based on official government figures, of about 70,000. (Parliamentary Human Rights Group Report, January 2007) **[51] (p2)** The UNHCR commenting on Ahmadis in a letter to the, then, Immigration and Nationality Directorate, Home Office, dated 13 April 2005 observed that: "Rabwah is the headquarters of the Ahmadi movement in Pakistan which is made up of 95% Ahmadis." **[20a] (p3**) The Foreign and Commonwealth Office added, on the subject, that **"…**very few Ahmadis are represented in public and semi public organisations in Rabwah. Approximately 54% of the voting population of Rabwah are Ahmadi, but it appears that Ahmadis do not normally vote in or contest elections for a variety of reasons." **[11d] (Letter dated 21 October 2005)**

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Legislation discriminating against Ahmadis

19.43 The USCIRF Report 2007 observed that Ahmadis are

"…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. In August 2005, Pakistani authorities banned 16 Ahmadi-run publications in the Punjab province." **[54] (pages 247-248)**

19.44 The USSD IRF Report 2006 recorded that

"Specific government policies that discriminate against religious minorities include the use of the 'anti-Ahmadi laws', the blasphemy laws, and the Hudood Ordinances. In 1984, the Government added Section 298(c), commonly referred to as the 'anti-Ahmadi laws', to the penal code. The section prohibits Ahmadis from calling themselves Muslims or posing as Muslims, from referring to their faith as Islam, from preaching or propagating their faith,

from inviting others to accept the Ahmadi faith, and from insulting the religious feelings of Muslims. The blasphemy laws provide 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 the religious feelings of any citizen. These laws are often used to intimidate reform-minded Muslims, sectarian opponents, and religious minorities, or to settle personal scores." **[2a] (Introduction)**

19.45 The same source continued that

"The Government discouraged and severely restricted public practice of the Ahmadiyya faith both by law and in practice. The 1974 constitutional amendment [declaring Ahmadis as non-mulims] and 1984 changes to the Penal Code Section 298(c), commonly referred to as the 'anti-Ahmadi laws', were used by the Government and anti-Ahmadi religious groups to target and harass Ahmadis. The vague wording of the provision that forbids Ahmadis from 'directly or indirectly' posing as Muslims enabled mainstream Muslim religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Muhammad…. The Government gave tacit endorsement to Islamic clerics' campaigns against the perceived dangers of the Ahmadiyya faith by permitting the annual conference on the finality of the prophethood. Ahmadis were prohibited from holding any public conferences or gatherings, and since 1983 they have 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. Since July 2003, anyone wanting to travel on the Hajj must denounce the founder of the Ahmadiyya faith as a 'cunning person and an imposter' on a printed oath that is part of the government registration process, thereby effectively preventing Ahmadis from fulfilling this tenant of the Islamic faith. Additionally, Ahmadi publications were banned from public sale; however, Ahmadis published religious literature in large quantities for a limited circulation." **[2a] (Section II: Status of Religious Freedom)**

19.46 The USSD IRF 2007 added the "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 faith as Islam, preaching or propagating their faith, inviting others to accept the Ahmadi faith, or insulting the religious feelings of Muslims. The punishment for violation of the section is imprisonment for up to 3 years and a fine." **[2f] (Introduction)**

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

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Passports and ID cards

19.46 The Foreign and Commonwealth Office's Annual Report on Human Rights 2005 stated that:

"Pakistan introduced new machine-readable passports in early 2004. Unlike previous passports these did not state the holder's religion. This attracted criticism from religious leaders who accused President Musharraf of secularising the country. Following pressure from the religious opposition, the

government set up a parliamentary committee to investigate the issue. Its findings in favour of a religion column in passport were supported by the cabinet and all passports printed since March 2005 again include the holder's religion…The practice discriminates against minorities, particularly Ahmadis. Application forms for passports (and voting papers) require the applicant to sign a declaration specifically rejecting Mirza Ghulam Ahmad Qadiyani as a religious figure. If Ahmadis cannot obtain a passport stating their religion as Muslim, they are not permitted on the Haj, one of the tenets of their faith." **[11c] (p216-217)**

19.47. The USSD IRF 2007 Report observed that "The Government designates religion on passports and national identity cards. Citizens must have a national identity card to vote" **[2f] (Section II: Section Status of Religious Freedom)**

Bai'at

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

"Bai'at (literally means to sell oneself to a cause, or to be initiated into such a cause, or the nearest equivalent, an oath of allegiance undertaken at someone's hands) is a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam…An Ahmadi is a person who believes in the Ahmadiyya doctrine. An Ahmadi by birth, as the term applies [sic], is a person who was born of Ahmadi parents. He is not required to be initiated and therefore is not required to go through the bai'at procedure, unless there has been a change in the Supreme Head of the community (the Khalifatul Masih) when all Ahmadis perform the bai'at effectively renewing their allegiance to the new Head…There is no objection for Ahmadis by birth to perform the bai'at but they will of course not be issued with a Certificate of Bai'at." **[18] (p1-2)**

Khatwe Nabuwaat

19.49 The PHRG 2007 reported on a meeting with the Khatwe Nabuwaat (Committee to Secure the Finality of the Prophethood) in Rabwah. The report observed:

"…members of the Islamabad Chapter of Khatme Nabuwwat informed the mission that it is Khatme Nabuwwat'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 Nabuwwat'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 Nabuwwat 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 Nabuwwat is on Ahmadis in particular. According to Khatme Nabuwwat (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.'"

19.50 The same source also noted that representatives of the Ahmadi community in Rabwah stated that members or supporters of the Khatwe Nabuwaat were principal attackers of Ahmadis and their property in Rabwah. **[51] (page 8)**

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Current situation

19.51. The USSD IRF 2007 report observed that "The Ahmadi community claimed that during the period covered by this report [September 2006 to September 2007], 28 Ahmadis faced criminal charges [compared to 26 during reporting period of USSD IRF 2006 report] **[2a]** under religious laws or because of their faith: 4 under the blasphemy laws, 17 under Ahmadi-specific laws, and 7 under other laws but motivated by their Ahmadi faith." Later in the USSD IRF 2007 report, it was recorded that at least 25 Ahmadis were arrested on blasphemy charges during its reporting period. **[2f] (Section II)**

19.52 The USSD IRF 2007 continued that

"At the end of April 2006, four Ahmadis were in prison on blasphemy charges; one was in prison and two more were out on bail facing murder charges that the Ahmadiyya community claimed were falsely brought due to their religious beliefs. Seven more criminal cases, ranging from murder to destruction of property, were filed against prominent members of the Ahmadi community during the reporting period. The cases remained unprosecuted and the accused were allowed to post bail. Ahmadis continued to be arrested for preaching their faith. In July 2006 four Ahmadis were arrested in Sialkot District under the anti-Ahmadi laws for preaching. In August 2006 Mian Mohammed Yar was charged under the anti-Ahmadi laws on the charge of preaching. He was the president of the local Ahmadi community". **[2f] (Section II: Status of Religious Freedom)**

19.53 The USSD IRF 2007 also noted that Ahmadis have been banned from holding public conferences, preaching or travelling to Saudia Arabia for the Haji and/or other religious pilgrimages. Additionally, Ahmadi publications were banned from public sale, but they published religious literature in large quantities for a limited circulation. (See sub-section above Legislation discriminating against Ahmadis) Ahmadis also faced restrictions on establishing places of worship and the authorities "continued to conduct surveillance on Ahmadis and their institutions. Several Ahmadi 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" **[2f] (Section II: Status of Religious Freedom**

19.54 The USCIRF 2007 report in addition noted that "In August 2005, Pakistani authorities banned 16 Ahmadi-run publications in the Punjab province. Ahmadis have been arrested—two persons were arrested as a result of the action in the Punjab—and imprisoned for terms of up to three years… and they are reportedly subject to ill treatment by prison authorities and fellow

prisoners. There is no indication that the current government intends to institute any reforms to the anti-Ahmadi laws" **[54] (page 248).**

19.55 The website www.thepersecutioni.org, 'Persecution of the Ahmadiyya Muslim Commmunity', representing the concerns of the Ahmadiyya community in Pakistan provides a summary of cases instituted against Ahmadis from April 1984 to December 2006. The list includes 404 cases of Ahmadis booked for 'posing as Muslims', 602 booked for preaching and 229 charged under the '"Blasphemy Law', i.e. 295-C" and 909 other cases booked under the "anti-Ahmadiyya Ordinance 298 B/C". The summary cites, in total, 3,482 cases of Ahmadis being booked or charged on religious grounds. **[60a] (Summary of the Cases)** The same source also stated that between 1984 and 2006 there had been 83 Ahmadis killed and 106 attempts of murder of an Ahmadi. **[60b] (Summary of other events, April 1984 to December 31, 2006)**. However the USSD 2006 Report stated 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 The January 2005 Report of a fact-finding mission to Pakistan made by FIDH – the International Federation for Human Rights – in the latter half of 2004 recorded that

"The Ahmadis are perhaps the single most targeted group in Pakistan, for whom the denial of freedom of expression, of religion and of association is near complete…An estimated 2000 cases have been brought against Ahmadis under the Blasphemy Law since its adoption; more generally, approximately 4000 Ahmadis have been prosecuted under various laws because of their faith…The political and religious context in Pakistan also means that the police and the judiciary preferably side with accusers in blasphemy cases rather than with Ahmadi defendants, however little evidence is presented, for fear of retaliation – just as they tend to be biased in favour of authors of anti-Ahmadi violence against their victims. It is a fact that the perpetrators of such violence have very seldom been prosecuted. In effect, there is virtual impunity for anti-Ahmadi criminals…It has to be added that the anti-Ahmadi politics extend to supporters of the Ahmadi cause: human rights defenders or journalists who advocate their rights have also been subjected to threats and harassments." **[10] (p61)**.

19.57 In interviewing Ahmadi Community Representatives in Rabwah, members of the Parliamentary Human Rights Goup 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] (PHRG 2007: Potential Risk Factors Faced by Ahmadis in Rabwah; page 12)**

19.58 In a letter addressed to the, then, Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that: "It would appear that Ahmadis are not always able to avail themselves of police protection. In fact, police may contribute to acts perceived as persecutory by Ahmadis. For example police are authorised to assist in the removal of Islamic signs from Ahmadi religious buildings and personal property. While police protection is not always unavailable to Ahmadis, law enforcement's lack of power against

dominant political groups or collusion between the police and anti-Ahmadi mullahs is common enough that Ahmadis may be reluctant to call upon the police for assistance." **[20a] (p2)**

19.59 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: Status of Religious Freedom)**

19.60 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 [Nabuwwat], a general intolerance for Ahmadis exists throughout Pakistan such that large numbers of agitators can be raised and catalysed in a short time, in any area of the country. " **[20a] (p13)**

19.61 The same source add 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

19.62 The PHRG 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 continued 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] (Position of Ahmadis in Pakistan; p6)**

19.63 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)**

19.64 The PHRG report also recorded the BHC as stating that

"…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] (pages 7-8)**

19.65 The USSD IRF 2006 report observed that

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

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CHRISTIANS

Demography

19.66 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)**

Current Situation

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

19.67 The USSD IRF 2007 observed that police commonly torture and mistreat those in custody and although 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. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates." The report continued during its reporting period, September 2006 to September 2007, at least 10 Christians were arrested on blasphemy charges, many of whom remained in prison at the end of the reporting period (September 2007**). [2f] (Section II: Status of Religious Freedom)** The HRW 2007 report (for events in 2006) noted that "…religious minorities, including Christians and Hindus, also continue to face legal discrimination, though the government appears to have instructed the police to avoid registering blasphemy cases against them." **[13d] (Religious Freedom)**

19.68 The USSD IRF 2007 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 (and others for previous years) of Christians being forced to convert to Islam. **[2f] (Section II: Status of Religious Freedom)**

19.69 On the subject on societal violence the USCIRF Report 2007 stated that

"In the past few years, the minority Christian community also continued to be the target of extremist and mob violence. In November 2005, a mob of over 1,500 persons, incited by local Muslim clerics on the basis of a false accusation of blasphemy against a local Christian man, set fire to and destroyed several churches, schools, and homes of Christian families in the town of Sangla Hill, in the province of Punjab. Political leaders condemned the violence and perpetrators were arrested and reportedly will be brought to trial. In January 2006, the blasphemy charge was dropped. In February 2006, in the furor that erupted in Pakistan after the publication of highly controversial cartoons in the Danish press, mobs threatened Christian communities in a number of areas in Pakistan. In the town of Sukkur, in Sindh province, a crowd of Muslims burned down two churches, an attack that was triggered in part by rumors that a Christian man had committed blasphemy. Provincial authorities ordered an investigation into the incident and reportedly a number of people have been arrested. In August 2006, a church and several Christian homes were attacked in a village outside Lahore in what was called a dispute over land. Three Christians were injured after 35 Muslim men reportedly burned buildings and desecrated Bible." **[54] (page 247)**

19.70 The USSD IRF 2007 Report noted that "Violence against and harassment of Christians continued during the period covered by this report. Many Christians, descended from low-cast Hindu ancestors, faced discrimination more for ethnic and social reasons than religious." **[2f] (Section III)**

19.71 The USSD Report 2006 recorded that "Shi'as, Christians, and Ahmadis were the targets of religious violence...The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions." **[2b] (Section 2c: Freedom of Religion)**

19.72 The USSD IRF 2006 continued 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." **2[a] (Section III: Societal Abuses and Discrimination)**

19.73 The USSD IRF 2007 report added that "Discrimination in employment based on religion 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. During the reporting period, the majority of bonded laborers in agriculture and the brick kiln industry sectors were non-Muslim." **[2f] (Sectiuon II: Status of Religious Freedom)**

19. 74 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, and societal discrimination against Ahmadis persisted at many universities…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

19.75 The Encyclopedia of the World's Minorities (2005) records that

"Shi'i and Sunni Islam have taken divergent paths since the Prophet Muhammed's son-in-law Ali (the first imam of the Shi'a tradition) was bypassed in the election of caliph after the death of the Prophet. Unlike the Shi'a, Sunnis believe that individuals should have direct contact with God, unmediated by aclergy. 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)

19.76 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] (p 880)**

Demography

19.77 The USSD IRF 2007 report noted that "The majority of Muslims in the country are Sunni, with a Shi'a minority ranging between 10 to 20 percent". **[2f] (Section I: Religious Demography)** The USSD IRF 2006 report stated the Shi'a followers claimed that at least 20% of population were Shia "split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought." **[2a] (Section I: Religious Demography)**

19.78. 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)**

Sectarian Violence

19.79 The USSDD 2006 recorded that

"Attacks on houses of worship and religious gatherings linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of 127 individuals during the year (see section 2.c.). According to HRW, approximately 4,0004 [sic] persons, largely from the Shi'a branch of Islam, died as a result of sectarian hostility since 1980. 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 1a)**

19.80 The report continued that "Religious extremist organizations killed and attempted to kill government officials and Islamic religious figures from opposing sects (see section 2.c.). On February 9 [2006], a suicide bomber killed 29 people and injured more than 50 in an attack on a religious procession in the town of Hangu in North Western Frontier Province (NWFP). The explosion disrupted a congregation of Shia marking the Ashura festival and sparked a riot. As a result of the explosion, the Army imposed a curfew. Police arrested three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization." **[2b] (Section 1a)**

19.81 The USSD IRF 2007 Report observed that though the Government called for interfaith dialogue and sectarian harmony as part of its policy of "elightened moderation", "Nationwide, the sectarian violence situation remained unchanged during the period covered by this report." **[2f] (Section III)**

19.82 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 Barelvis, whereas ST and SMP targeted Deobandis." The same report also stated that: "Relations between the country's religious communities remained tense. Violence against religious minorities and between Muslim sects continued. Most believed that a small minority were responsible for attacks; however, discriminatory legislation and the teaching of religious intolerance in public schools created a permissive environment for attacks. Police at times refused to prevent violence and harassment or refused to charge persons who commit such offenses." **[2f] (Section III)**

19.83 The USSD IRF 2007 Report cited several examples of sectarian violence during its reporting period (September 2006 to September 2007):

"In April 2007 more than 100 Shi'a and Sunnis died and many more were injured in sectarian violence which lasted for 2 weeks. The fighting began in Parachinar and spread throughout the Kurram Tribal Area. At the end of the reporting period, a fragile ceasefire existed between the two groups. In April 2007 gunmen killed two Shi'a men and their Sunni employer in an episode of sectarian violence in the NWFP. One victim, a lawyer and leader of a local political party, had been receiving threats for several months. The same article reported that between January and March 2007, at least eight Shi'a were killed in sectarian violence in the same city. Following each attack, mobs destroyed markets and kept businesses closed. In January 2007 during the Shi'a festival of Ashura, at least two suicide bombers attacked Shi'a gatherings and two rockets were launched at a Shi'a mosque in Bannu. The Christian Science Monitor reported at least 21 were killed and 40 were injured in the attacks, which were suspected to be sectarian in nature." **[2f] (Section III)**

19.84 The website of the South Asian Terrorism Portal (SATP) has provided statistics on sectarian violence in Pakistan for 2007 (based on news reports)

stating that there were 341 incidents, 441 deaths and 630 people injured. **[61a]**
(Sectarian Violence in Pakistan 2007)

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20. ETHNIC GROUPS

20.01 Europa Regional Surveys of the World: South Asia 2005 stated that :

> "The Punjabi are the principal ethnic group, comprising about two-thirds of the total population. Other major groups are the Sindhi (13%), Pashtun (Iranian – 8.5%), Urdu (7.6%) and Balochi (2.5%). Tribal divisions are most noticeable in the western hills, but also affect the plains where there are Janglis (once lawless nomads, now largely cultivators), Thiringiuzars (camel-herders) and other groups." **[1] (p387)**

20.02 The Library of Congress country profile of Pakistan updated in February 2005 noted that

> "Ethnic groups in Pakistan generally are categorized according to various combinations of religion, language, and sometimes tribe. Punjabis are the largest linguistic group (44.2 percent of the population) and often are divided into three occupational castes: Rajputs, Jats, and Arains. Pakhtuns (15.4 percent) are the dominant ethnic group in the North-West Frontier Province, but Pakhtuns belong to different tribes or kinship groups and have no central governing authority. Sindhis (14.1 percent) are dominant in Sindh and are divided into occupational and caste groupings. Balochis (3.6 percent) are dominant in Balochistan and are divided into various eastern and western tribes. Other ethnolinguistic groups include the Siraikis, who live mostly in Punjab; Urdu-speaking Muhajirs, refugees from India and their descendants who migrated to Pakistan during the 1947 partition and are concentrated in Sindh; and Brahuis, a Dravidian language group in Sindh and Balochistan." **[46]**

MOHAJIRS

Background

20.03 The Encarta Online Encyclopedia 2005 noted that:

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

This Country of Origin Information Report contains the most up-to-date publicly available information as at 7 February 2008. Older source material has been included where it contains relevant information not available in more recent documents.

Formation of MQM

20.04 Encarta also records that:

> "Sindhis felt dispossessed by the preponderance of Mohajirs in the urban centers of Sind. With the emergence of a Sindhi middle class in the 1970s and adoption of Sindhi as a provincial language in 1972, tensions between Mohajirs and Sindhis began to mount. The 1973 constitution of Pakistan divided Sind into rural and urban districts, with the implication that the more numerous Sindhis would be better represented in government. Many Mohajirs felt that they were being denied opportunities and launched a movement to represent their interests. The movement, which evolved into the Mohajir Qaumi Movement (MQM) in the mid-1980s, called for official recognition of Mohajirs as a separate cultural group and advocated improved rights for Mohajirs. Although factional rivalries and violence within the MQM tarnished its image and shrunk its power base, the movement continues to be a potent force in urban centers of the province, particularly Karāchi. The MQM has contributed to a more defined Mohajir identity within the country." **[32a] (p2)**

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

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

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Current situation

20.07 The USSD 2006 noted that "There were numerous political killings reported in Karachi, where political parties Muttahida Quami Movement (MQM) and Jamaat e Islami (JI) accused each other of killing political rivals. According to MQM sources, JI activists killed 18 MQM active members. JI accused MQM of killing 11 JI activists. Human rights observers reported that the total politically motivated death toll in Karachi was 31." **[2b] (Section 1a)** The USSD 2006 further reported that "Several dozen Mohajir Quami Movement Haqiqi (MQM H) activists, arrested between 1999 and 2003, remained in custody at year's [2006] end, some without charge for violent acts against members of other parties as well as expressing views critical of the government. MQM H claims that their enemy, the MQM, is behind these delays." **[2b] (Section 1d)**

20.08 The USSD 2006 Report also recorded that:

> "On some university campuses, well armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (IJT)(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 those admitted to the universities, and sometimes also influenced the use of funds of the institutions. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect." **[2b] (Section 2a)**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 The 'Sodomylaws' website, last edited on 24 November 2007, reported that::

> "Section 377 Penal Code criminalizes 'carnal knowledge of any man against the order of nature', with a penalty of 2 years up to life imprisonment and a possible corporal punishment of a 100 [sic] lashes. ''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]**

21.02 A CIRB report dated 29 November 2007 on gay relationships in Pakistan noted that:

> "Homosexual acts are illegal in Pakistan (US 6 Mar. 2007, Sec. 5; ILGA Nov. 2006, 3; UN 21 Sept. 2006; New Internationalist 1 Mar. 2006). 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 (UN 10 May 2005; Pakistan n.d.). Under the country's Sharia law, introduced in 1990 (SodomyLaws.org 31 Mar. 2006), homosexual acts are punishable by corporal punishment (whipping), imprisonment, or death (ibid.; UN 21 Sept. 2006; see also BBC 5 Oct. 2005; ILGA Nov. 2006; New Internationalist 1 Mar. 2006). Likewise, gay marriage is illegal in Pakistan (BBC 5 Oct. 2005; IGLHRC 1 Aug. 2007). However, in October 2005, a 'marriage' was said to have taken place between two men in the Khyber region (BBC 5 Oct. 2005; The Guardian 14 Mar. 2006). A tribal council reportedly told the couple to leave the area or face death for "breaking religious and tribal values" (ibid.; BBC 5 Oct. 2005). 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 (BBC 28 June 2007; ibid. 28 May 2007; IGLHRC 1 Aug. 2007). The couple had originally sought the court's protection against members of the bride's family who were harassing them (ibid.; see also BBC 28 June 2007); 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' (BBC 28 May 2007; ibid. 28 June 2007). One month later, following an appeal to Pakistan's Supreme Court, the couple was released on bail (ibid.; IGLHRC 1 Aug. 2007). Information on the outcome of the appeal could not be found among the sources consulted by the Research Directorate." **[12c]**

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

"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)**

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GOVERNMENT AND SOCIETAL ATTITUDES

21.04 The USSD Report 2006 recorded that: "Homosexual intercourse is a criminal offense; however, the government rarely prosecuted cases…Homosexuals rarely revealed openly their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation…Those suffering from HIV/AIDS faced broad societal discrimination." **[2b] (Section 5)**

21.05 A CIRB report 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 (US 6 Mar. 2007, Sec. 5; see also *The Guardian* 14 Mar. 2006). Nevertheless, in May 2005, two gay men were publicly lashed in Pakistan's north western Khyber region after they were caught having sex (BBC 5 Oct. 2006). **[12c]**

21.06 On the subject of societal attitudes to homosexual activity the same source stated that:

"Although homosexuality is thought to be "relatively" common in Pakistan (ibid.; New Internationalist 1 Mar. 2006), it is a "taboo" subject that is not publicly discussed (BBC 28 June 2007; UN 21 Sept. 2006; The Guardian 14 Mar. 2006). It is reportedly rare for homosexuals to be open about their sexuality (US 6 Mar. 2007, Sec. 5; BBC 2 June 2005). 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 (UN 10 May 2005). Nevertheless, several sources consulted by the Research Directorate indicate that homosexuality may, in general, be "silently accepted" in Pakistan (UN 21 Sept. 2006; ibid. 10 May 2005; BBC 2 June 2005; *The Guardian* 14 Mar. 2006; *Pink News* 14 Mar. 2006). Assaults on homosexuals are said to be "rare" (*The Guardian* 14 Mar. 2006). 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" (UN 10 May 2005). In March 2006, a group of gay men wearing dresses participated in a festival in Lahore (*The Guardian* 14

Mar. 2006; *Pink News* 14 Mar. 2006). The Internet is reportedly contributing to a sense of growing "solidarity" amongst homosexuals in Pakistan (UN 10 May 2005; see also *The Guardian* 14 Mar. 2006; BBC 2 June 2005). Online chat rooms are said to provide a "safe and anonymous forum for middle- and upper-class gay men" (*The Guardian* 14 Mar. 2006)." **[12c]**

21.07 The same report continued that

"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" (14 Mar. 2006). 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" (UN 10 May 2005). 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 (BBC 2 June 2005; *The Guardian* 14 Mar. 2006)." **[12c]**

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TRANSGENDER/TRANSEXUALITY

21.08 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]**

21.09 The same source continued that

"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. The law in Pakistan is silent on such relationships and defines no penalties. 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 USSD Report 2006 stated that:

> "The law does not discriminate against people with disabilities; there are employment quotas at both federal and provincial levels. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases these individuals were forced into begging, and organized criminals took much of the proceeds. The law requires public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities.Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as a degree of 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 the disabled. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population…There are no restrictions on the rights of the disabled to vote or participate in civil affairs."
> **[2b] (Section 5)**

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23. WOMEN

OVERVIEW

23.01 Pakistan is a signatory to the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW). **[64] (UN, 11 June 2007; page 1**)

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." **[64] (page 2)**

23.03 The Committe 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. **[64] (page 2)**

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; insuffient 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 fora to resolve disputes) which made decisions to "perpetrate violence against women" despite a high court ruling banning such meetings; Pakistan remained a patriarchial 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 equality in the dissolution of marriage. **[64] (pages 3 to 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 USSD Report 2006 observed that

> "The law prohibits discrimination on the basis of sex; however, in practice this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system. Prior to the enactment of the Women's Protection Act, the Hudood Ordinances created judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of contractual future obligations, a woman's testimony was equal to half that of a man's testimony." **[2b] (Section 5)**

Women's Protection Act

23.07 On 1 December 2006 President Musharraf signed into law the Women's Protection Act (WPA). The law "essentially moved cases of rape and adultery [falling under the Hudood Ordinances] to the secular rather than Shari'a courts. Previously the Hudood Ordinances, which criminalize rape, extramarital sex, property crimes, alcohol, and gambling often relied on harsh and discriminatory Qur'anic standards of evidence and punishment, which apply equally to Muslims and non-Muslims. If Qur'anic standards are used, Muslim and non-Muslim and male and female testimony carries different weight." **[2f] (USSD IRF 2007 Report; Section II)** The same source noted that President Musharraf had ordered the release of all women held under the Hudood Ordinances **[2f] (USSD IRF 2007 Report; Introduction)** and further stated that "Nearly all women charged under the Hudood Ordinances were released following the passage of the Women's Protection Act. Several hundred remain within the legal system, but they were now housed in various Daarul Amaans (state operated women's shelters). Many were unable to return to their homes because of social ostracism." **[2f] (USSD IRF 2007 Report; Section II)**

23.08 A report by the CIRB 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' (AI 2007). 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 (ibid.; BBC 15 Nov. 2006)." **[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 2006 Report commented that the legislation

> "… rolled back the most negative sections of the Hudood Ordinances, particularly those sections that had dealt with sexual relations. The zina clause had made it difficult for rape victims to seek justice and put them at rise

of prosecution for fornication. 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 penalties, different weight is given to male and female testimony in matters involving financial and contractual obligations." **[2b] (Section 1e)**

23.10. The same source also observed that before the WPA's signing into law,

"…husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances in order to control their behavior as a means of intimidation. The Hudood Ordinance made rape victims liable to prosecution and led to thousands of women being imprisoned under false pretext. According to HRCP's [Human Rights Commission of Pakistan] 2005 report, there were approximately 4,621 women in jail under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail, with reputations destroyed. **[2b] (Section 5)**

23.11 The Human Rights Watch World Report 2007 on Pakistan noted that:

"In a significant though partial step towards ending legal discrimination against women, Pakistan's National Assembly passed the Women's Protection Bill on November 15 [2006] with the support of the opposition Pakistan Peoples Party. The passage of the bill removed some of the most dangerous provisions of the Hudood Ordinances. Judges have now been given authority to try rape cases under criminal rather than Islamic law. One important consequence of the change is that a woman claiming rape need no longer produce four witnesses, a requirement which had made successful prosecution almost impossible and put the rape victim at risk of being charged with adultery. The amendments also include dropping the death penalty and flogging for persons convicted of having consensual non-marital sex.However, the Women's Protection Bill fails to comply with many of Pakistan's obligations under the Convention on the Elimination of Discrimination against Women, which calls on states to modify or abolish laws that discriminate against women. Discriminatory provisions of the Hudood Ordinances that criminalize nonmarital sex – which remains punishable by a five-year prison sentence and a fine – remain in place and the law fails to recognize marital rape." **[13d]**

(See also Hudood Ordinances in section 11 and Hudood Ordinances sub-section in section 19)

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Marriage Laws

23.12 The Muslim Family Laws Ordinance, 1961, states 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 of18 years, a female as having attained the age of 16, or reached puberty. **[14b] (p1)**

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Political rights

23.13 The USSD Report 2006 noted that:

"There were 73 women in the 342 seat National Assembly, five women in the cabinet, and none on the Supreme Court. Women had 60 reserved seats in the National Assembly. Women also had 128 reserved seats of the 758 seats in provincial assemblies and one third of the seats in local councils. In some districts social and religious conservatives prevented women from becoming candidates; however, in several districts female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. The PML-Q and PPP prohibited their local leaders from entering into agreements that would prevent women from standing for or voting in the local elections. The Election Commission of Pakistan invalidated union council elections in parts of NWFP [North-West Frontier Province] where women were not allowed to vote. Provincial chief ministers named women to serve in their cabinets." **[2b] (Section 3)**

23.14 The same source added that "In October 2005 indirect elections for executives of reserved minority and women's seats on the tehsil (county) and district councils occurred…. in Upper Dir and Battagram districts, NWFP, local community and religious leaders prevented women from voting or holding official office. In response, the adviser to the prime minister on women's affairs visited Upper Dir to mobilize women to stand in elections". **[2b] (Section 1d)**

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SOCIAL AND ECONOMIC RIGHTS

23.15 The USSD IRF 2007 Report noted that:

"The state does not recognize either civil or common law marriage. Marriages are performed and registered according to one's religion. The marriages of non-Muslim men remain legal upon conversion to Islam but are considered dissolved for marriages of female converts to Islam if they were performed under the rites of their previous religion. 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 faith 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 religion are considered illegitimate and are seized by the state. In addition, a convert from Islam becomes an apostate and is eligible for the death penalty. In effect, the state recognizes a marriage if both bride and groom are of the same religion, 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 religion, the only way the marriage can be legitimated and the children made eligible for inheritance is if the groom converts to Islam." **[2f] (Section II)**

23.16 Also on the subject of marriage, the USSD Report 2006 stated that:

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

23.17 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 were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes." **[2b] (Section 5)**

23.18 With regard to inheritance laws, the USSD 2006 observed that the law "…discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one eighth of their husband's estate. Women often received far less than their legal inheritance entitlement" **[2b] (Section 5).**

23.19 The USSD 2006 further noted that "In rural Sindh landowning families continued the practice of 'Koranic marriages' in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male over 14 years of age. These women were expected to stay in the home and not maintain contact with anyone outside of their family."**[2b] (Section 5)**

23.20 The Freedom House report *Freedom in the World* 2007 on Pakistan also noted that the

"The tribal practice of vani, in which women are offered in marriage to the male relatives of victims killed by their own family members in order to settle a potential feud, 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." **[19b]**

23.21. The USSD 2006 observed with regard women's rights at work that

"There was no law to protect women at the workplace. Press reports indicated that harassment was especially high among domestic workers and nurses. While 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." [2b] (Section 5)

(See also sub-sections on Honour Killings and Marriage Laws)

Socio-economic indicators

23.22 The World Health Organisation (WHO) country profile of Pakistan lists a number of socio-economic statistics for men and women. According to its website, 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). **[65]** The Center of Reproductive Rights, Women of the World report 2004, noted that that literacy rates were significantly higher in urban areas. It reported that 60% of women in urban areas were literate, as compared to 25% of women in rural areas. **[67] (Education; page 183)**

23.23 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". **[65]** 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 25: Medical Issues; and section 23: Children)

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VIOLENCE AGAINST WOMEN

23.24 The USSD 2006 recorded that:

"Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives. Newly married women were at times abused and harassed by their in laws. Dowry and family related disputes often resulted in death or disfigurement through burning or acid… SHARP [Society for Human Rights and Prisoners Aid] recorded 1,127 incidents of violence against women during the year… HRCP [Human Rights Commission of Pakistan] documented 96 cases of burnings during the period between November 2004 and August 2005. The Citizen's Commission for Human Development reported 21 burn cases during the first six months of the year [2006].

"According to HRCP estimates, one out of every two women was the victim of mental or physical violence. On November 28 [2006], Oxfam's representative

claimed that approximately 80 percent of the country's women faced domestic violence in their lives. A survey conducted in March by the Pakistan Institute of Medical Sciences and reported by AI [Amnesty International] in Lahore found that at least 90 percent of married women in the country reported being physically or sexually abused by their husbands . However, the precise figure was difficult to obtain, given the fact that the crimes took place within homes. The National Commission on the Status of Women advocated on behalf of specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Abused women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation." **[2b] (Section 5)**

23.25 The Freedom House Freedom in the World 2007 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. In 2005, an outcry erupted over Musharraf's comments that for some high-profile victims—Shazia Khalid, a doctor in Baluchistan who was raped in January and subsequently fled the country after being pressured by the government; and Mukhtaran Mai, who was gang-raped on the orders of a village council in 2002 and initially denied an exit visa to travel to the United States in June 2005—rape had become a 'money-making concern'. "**[19b]**

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

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HONOUR KILLINGS

23.26 The CIRB in a report 'Pakistan: Honour killings targeting men and women, especially in the northern areas (2001 - 2006)' dated 24 January 2007 on honour killings provides a brief description of the custom and to whom it applies:

"There is an extensive amount of information on honour killings in Pakistan primarily focusing on female victims. Honour killings are described as a custom (HRW n.d.; HRCP Feb. 2005, 19; Shirkat Gah 25 Nov. 2001, 2) in which mostly women and some men are murdered after accusations of sexual infidelity (ibid.; AI 23 May 2006; US 8 Mar. 2006, Sec. 1.a). The killers seek to avenge the shame that victims are accused of bringing to their families (HRW n.d.). However, even girls (AI 23 May 2006; ibid. 25 May 2005) and, on a

smaller scale, boys are victims of the practice (ibid. 23 May 2006). Honour killings are known by different names depending on the area in Pakistan in which they are practised (Shirkat Gah 25 Nov. 2001, iii-iv). In Sindh province they are referred to as *karo kari* (ibid. 25 Nov. 2001, iii), where *karo* refers to the "blackened" or dishonoured man and *kali* to the "blackened" woman (*Christian Science Monitor* 20 Jan. 2005); 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 (Shirkat Gah 25 Nov. 2001, iii-iv)." **[12e]**

23.27 The same report 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 (HRW n.d.; AI Aug. 2002, 8). 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 (ibid.). The NCSW 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" (Pakistan n.d., 68). 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 (*Dawn* 27 Apr. 2006), or for marrying a woman from another tribal group without the consent of her parents, to restore the honour of her tribe (ibid. 26 June 2006)." **[12e]**

23 28 The CIRB report summarised the motives for honour killings:

- "maintain family assets (ibid., 26-27);
- acquire another family's assets (ibid.);
- prevent women from freely choosing their husband (ICG 18 Apr. 2005, 26);
- punish women for seeking divorce, having been raped or having disobeyed family wishes (*Dawn* 28 Nov. 2005);
- seek revenge on an opponent (ibid.); and
- disguise the murder of another man (Shirkat Gah 25 Nov. 2001, 27)" **[12e]**

23.29 The CIRB report continued that:

"Honour killings are reportedly most prevalent in rural areas of Pakistan (ACHR 27 Oct. 2004, 1). 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 (US 28 Feb. 2005, Sec. 5). However, the HRCP noted an increase in these types of murders in urban areas such as Lahore in 2005 (HRCP Feb. 2006, 185). 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 (Pakistan n.d., 63)." **[12e]**

23.30 The Freedom House report, *Freedom in the World 2007*, on Pakistan observed that:

"According to the HRCP, at least 565 women were killed by family members in so-called honor killings in 2006, and many more are otherwise humiliated or mutilated. Usually committed by a male relative of the victim, honor killings punish women who supposedly bring dishonor to the family. Government-backed legislation introducing stiffer sentences and the possibility of the death penalty for those convicted of honor killings was signed into law in January 2005. However, given a prevailing environment in which authorities generally do not aggressively prosecute or convict the perpetrators of violence against women, activists questioned the effectiveness of the bill." **[19b]**

23.31 The USSD Report 2006 noted that:

"Honor killings continued to be a problem, with women as the principal victims. During the year [2006] local human rights organizations reported between 1,337 and 1,511 cases. Most took place in Sindh. Many more likely went unreported…" **[2b] (Section 1a**) and continued

"Honor killings and mutilations, including cutting off of women's noses and stripping women naked to dishonor them, occurred during the year. Women were often the victims at the hands of their husbands or male relatives. No accurate statistics existed on the number of honor crimes committed during the year. Official statistics stated an average of 1,000 persons were murdered each year in the name of honor. Other sources, including the media, reported 1,137 honor killings, through November. An official from the Citizen's Commission for Human Development reported that 229 women were murdered from January to June in the name of honor. Approximately 54 percent were married. The CCHR estimated that 27 percent were killed by their fathers, brothers, or in-laws; 25 percent by their husbands; 11 percent by relatives; and 19 percent were murdered by unidentified persons. Human rights groups believed that such incidents were common in the Sindh, in the Punjab and among tribes in Balochistan, NWFP, and FATA. In January 2005 President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and criminalizes the practice of giving women in marriage as restitution for crimes…. However, human rights groups criticized the legislation as not being forceful enough because it still allows for the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping physical charges. Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment." **[2b] (Section 5)**

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RAPE

(See subsections on the Women's Protection Act and the section 11 on Hudood Ordinances for changes on legislation with regard to rape)

23.32 The USSD Report 2006 stated that "According to the NGO [Non Governmental Organisation] Women Against Rape (WAR), there were 369 rape cases reported in the media, which WAR estimated to be less than 5 percent of actual incidents. According to the HRCP [Human Rights Commission of Pakistan], statistically a woman was raped every two hours, or gang-raped every eight hours." **[2b] (Section 5)**

23.33 The USSD Report 2006 recorded that:

"Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It was estimated that rape victims reported less than one third of rape cases to the police. Rape victims were often reluctant to report cases of rape for fear of being implicated in consensual fornication or adultery under the Hudood Ordinance and because of negative societal attitudes associated with rape. Since rape was considered a sub-category of non-marital sex, courts often viewed a woman's allegation of rape as an admission of illegal sex, making sexual assault victims susceptible to prosecution themselves, prior to the December 1[2006] signing of the Women's Protection Bill." **[2b] (Section 5)**

23.34. The report also noted that "Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were many cases in which rape victims were jailed on such charges… The punishment for rape can include up to 25 years in prison, 30 lashes, and $5,000 (Rs 303,000 rupees) fine." **[2b] (Section 5)** The same source also noted that "Security force personnel reportedly raped women and children during interrogations" **[2b] (Section 1c)**

23.35 The USSD 2006 report continued that:

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

23.36. In its anaylsis of trends in human rights violations in the years 2005 and 2006 the Human Rights Commission of Pakistan observed:

"Rape continues to be one of the most taboo human rights violations and is therefore the least reported both in the news and to the HRCP. The statistics do not therefore reflect as categorically, the number of rapes, attempted rapes and sexual harassment cases that occur, which is considerably higher. 2006 saw a 129% increase in the number of rape and gang rape cases reported. In 2006 the number of cases of rape involving minors alone as the victims had more than doubled since 2005 from 111 to 293. In 2006, married women continued to be the most targeted social group in the rape statistics. However, the percentage of women raped that were married in relation to those that were `unmarried, widowed or divorced' was reduced this year from 81% in 2005 to 60% in 2006. What is perhaps most alarming in these statistics, is that

the accused in the rape cases are predominantly influential people in the community or landlords with the highest number of rapists in both 2005 and 2006, residents of the victim's community." **[12e]**

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ASSISTANCE AVAILABLE TO WOMEN

23.37 The USSD Report 2006 noted that in 2005 the authorities had created women's police stations:

"…with all female staff in response to complaints of custodial abuse of women, including rape. The government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations." **[2b] (Section 1c)**

23.38. With regard to the availability of centres to assist women, the USSD Report 2006 commented that: "The government established Crisis Center for Women in Distress locations, which referred abused women to NGOs for assistance. There were 276 district run emergency centers for women in distress where they were sheltered and given access to medical treatment, limited legal representation, and some vocational training. In some cases, women were abused in the shelters." The report continued "Numerous women's rights NGOs such as the Progressive Women's Association, Struggle for Change, and Aurat Foundation, were active in urban areas. Their primary issues of concern included domestic violence, the Hudood Ordinance, and honor crimes." **[2b] (Section 5)**

23.39 On the subject of women's crisis centres, the website of the Minsitry of Women Development, last updated in July 2007, 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, Abottabad, 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" **[29g] (Crisis Centre – Shelter Home)**

23.40 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 basis and rehabilitate the survivors of violence and women in distress' [listed

same centres as in paragraph 22XX]… The fact that these centres have been opened shows the government does acknowledge an important human rights issue though implementation is poor." **[7]**

23.41. 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. Addtionallly 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]**

23.42 The USSD Report 2006 observed that:

"The Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women [NCSW] hampered its efficacy until Arifa Syed Zehra was appointed its chair on February 1 [2006] and began hiring staff. In 2003 the government mandated that the NCSW develop policy supporting women. After former chairperson Majida Rizvi recommended complete repeal of the Hudood Ordinance in August 2003, the government funded a further study of the suggestion. This resulted, in part, in the December 1 [2006] Women's Protection Act."
[2b] (Section 5)

Non-Governmental Organisations (NGOs)

23.43 The website of the NGO, Lawyers for Human Rights and Legal Aid, under its section on Current Projects webpage provides detail on a protection service centre available in Karachi (undated), which includes:

"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]**

23.44 The website of the Progressive Women's Association (PWA) states that it has the 'AASRA' shelter in Rawalpindi, established in 1999, to assist domestic violence victims. **[69a] (PWA Shelter in Pakistan)** In addition the PWA claims 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 on Trafficking)

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24. CHILDREN

OVERVIEW

24.01 The Pakistan profile on UNICEF's website, accessed on 24 January 2008, summarised the position of children in Pakistan thus:

"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." **[72]**

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 76 per cent of boys, about 56 per cent (net) of girls are 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" **[72]**

24.03 However the UNICEF profile did note some positive achievements:

- "Polio cases have dropped from 1,100 cases in 1997 to 40 in 2006 by vaccinating 95 per cent of targeted children (32 million) at least four times a year…
- By March 2008, Pakistan will have completed a measles campaign to immunize more than 63 million children.
- More than half a million girls were enrolled in school for the first time in 25 UNICEF-assisted districts from 2005 to 2007.
- A comprehensive Child Protection Bill drawn up with UNICEF support is currently under government review. When approved it will criminalize abuses and violence against children, raise the minimum age of criminal responsibility to 12 years and ban corporal punishment.
- Since 2005, more than 38,000 vulnerable children have been provided with protective services through the establishment of drop-in centres and help lines…
- UNICEF is working with the authorities to improve water quality, promote household latrines and hygiene practices and support school-based water and sanitation in focus districts." **[72]**

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BASIC INFORMATION

24.04 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated "…(a) "adult" means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty." **[14b] (p1)** The voting age in Pakistan is 18 years old (Commonwealth Parliamentary Association, last updated 17 August 2006**) [70]** The legal age for marriage of men is 18 years old, and women 16. **(**USSD Report 2006, Section 5) **[2b]** However the Society for the Protection of the Rights of the Child (SPARC) 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.'" **[71] (page 202)** Recruitment for military service may start at 17 years old for soldiers and officers, while those in 'technical' services, such as nursing, maybe recruited at 15 years. (Coalition to Stop Child Soldiers, Child Soliders Global Report 2004) **[16]** It is illegal to employ children under the age of 14 years in factories, mines and other hazardous occupations. (USSD Report 2006, Section 5) **[2b]** The criminal age of responsibility is 7 years old. (SPARC Report 2006, page XVII) **[71]**

(See section 11: Military Service; section 23: Women)

Child Marriage

24.05 The USSD Report 2006 observed that "Despite laws barring child marriages, there was evidence that many took place. According to HRCP, the sale of minor girls in marriage to men much older than them by impoverished families increased, with a growing number of instances reported in Sindh and southern Punjab." The report later added "No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading into marriage of girls as young as 11 was reportedly common practice among the Pashtun subtribes as acts of retribution and to settle scores between tribes." **[2b] (Section 5)**

24.06 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." **[71] (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." **[71] (p195)**

(See also section 23: Women)

Violence against children

24.07 The USSD Report 2006 recorded that: "Child abuse was widespread. According to child rights NGOs abuse was most common within families. According to the NGO Lawyer's Committee for Human Rights, 3,100 children were sexually harassed or abused during the first nine months of the year [2006] in Sindh Province alone. In rural areas, poor parents sold children as

bonded laborers…and at times sold daughters to be raped by landlords." **[2b] (Section 5)**

24.08 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" with "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]**

24.09 The SPARC 2006 Report commented that

"According to Cruel Numbers 2006, a report published by the NGO Sahil, as many as 2,447 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 Violence 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 criminialization 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." **[72] (ps 177-178)**

24.10 The same source provided a breakdown of the total cases of violences against children into sub-categories violence, which included 704 murders, 637 cases of sexual abuse, 41 cases of Karo Kari, 1008 cases of kidnapping and 96 cases of police torture. **[72] (p186)**

(See also section 13: Prison Conditions)

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Child labour

24.11 The USSD Report 2006 noted that "Child labor was a significant problem… The report added that "NGOs such as Sahil, SPARC, and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems." **[2b] (Section 5)**

24.12 The USSD 2006 Report also added that:

"The government adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax, and child labor was a serious problem. According to HRCP there were approximately 10 million child laborers. The media reported that 70

percent of non-agricultural child labor took place in very small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities that employ fewer than 10 persons. Child labor in agriculture and domestic work was common.

"The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. For example, no child is allowed to work overtime or at night and should be guaranteed one day off per week; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. In 2001 the Ministry of Labor identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving, among others.

"Authorities obtained hundreds of convictions for violations of child labor laws, but low fines levied by the courts ranging from an average of $6 (Rs 364) in the NWFP to an average of $121 (Rs 7,344) in Balochistan were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (Rs 20,200). Penalties often were not imposed on those found to be violating child labor laws." **[2b] (Section 6d)**

24.13 On the issue of bonded labour of children, the USSD 2006 Report noted: "Bonded labor of children in brick kilns, rice mills and textile factories remained a serious issue. In some cases families sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped." **[2b] (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. **[71] (p63)**

24.14 The USSD 2006 Report continued on the subject that:

"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 (Rs 50,000) in fines." **[2b] (Section 6c)**

24.15 The same source stated that:

"The International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) continued programs in the carpet weaving, surgical instrument, rag-picking, and deep sea fishing industries 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." **[2b] (Section 6d)**

(See also Section 31: Employment Rights; and Section 25: Trafficking)

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EDUCATION

24.15 Europa Regional Surveys of the World: South Asia 2005 noted that "Universal and free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of 10, is divided into two stages, of three and four years respectively. **[1] (p469)** Europa records the adult literacy rate as being 44.0 per cent (males 58.2 per cent, females 28.8 per cent) in 2001, and that there were 29 universities/degree-awarding institutes in the country. **[1] (p442)** 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 instutions were "non-functional". **[72] (p102**

24.16 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 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." **[72] (p97)**

24.17 The USSD 2006 Report stated that:

"The government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. Local laws do not mandate free public education, and schools generally charge tuition. While some state governments passed laws requiring free public education, such as Punjab, 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 the parallel private Islamic school, the madrassa system. In urban areas many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

"According to an Islamabad-based organization, of the 19.1 million children between the ages of five and nine, only 42 percent were in school. Less than half of children who enrolled completed more than five years of education, six percent of enrollees completed grade 12. The national literacy rate of 38 percent showed a significant gap between males (57 percent) and females (32 percent) due to historical and societal discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas." **[2b] (Section 5)**

24.18 The SPARC Report 2006 added that there was a serious gender gap, which is

"…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." **[72] (p97)**

24.19 The same report 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 rate 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. **[72] (ps 111-112)**

Madrassas

24.20 On the availability and services by madrassa (religious schools) the USSD 2006 Report noted that:

"Madrassas served as an alternative to the public school system in many areas. Many madrassas failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrassas reportedly continued to teach religious extremism and violence. The government continued its efforts to modernize madrassa education during the year. An agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum in those madrassas that are registered. At year's [2006] end, approximately 8,000 of the estimated 13,000 madrassas were registered." **[2b] (Section 5)**

24.21 Though the USSD IRF Report 2007 recorded that "According to the Religious Affairs Ministry, approximately 11,000 out of an estimated 13,000 to 15,000 madrassahs had registered by the end of the reporting period." **[2f] (Section II)**

24.22 The USSD IRF Report 2007 continued that

"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. 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." **[2f] (Section II)**

24.23 The USSD Report 2006 added that "At the vast majority of madrassas, students were well treated. However, press reports claimed that there were madrassas, primarily in isolated parts of NWFP [North-West Frontier Province] and interior Sindh, where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused." **[2b] (Section 5)**

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CHILD CARE

24.24 An article published on the 'Women's e-News' website dated 17 October 2004 reported that:

"Baby girls are discarded in huge numbers in Pakistan and an outdoor 'cradle program' for drop-offs merely stem the loss. Social workers trace the problem to parents – often middle class – who regard female offspring as financial liabilities…There are no studies available on the number of children abandoned annually in Pakistan but Edhi [the Edhi Foundation] personnel are involved in the recovery of an average of 1,500 babies a year through the foundation's 'jhoola baby' (cradle baby) program. Thousands more, they fear, are simply never found. Of the babies recovered, an overwhelming majority – 80 percent – are female…In 1970, two decades after he began the Edhi Foundation – South Asia's largest indigenous private social service network – Abdul Sattar Edhi installed the first cradle outside one of his Karachi-based centers. These days there are 315 such cradles across Pakistan and the 'cradle baby' program saves an average of 650 abandoned children a year…After the children receive a bill of clean health they are put up for adoption. Since 1970, 15,000 cradle babies have been placed in adoptive homes. Those who are not adopted – about 40 percent – remain under the foundation's protection, with Edhi himself as their legal guardian until they reach 18." **[43] (p1-2)**

24.25 The website of SOS Children's Villages' country overview of Pakistan, reports that "At present, 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 website of the Pakistan SOS Children's Villages website, accessed on 25 January 2008 states that the charity has seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarbad and Sialkot, offering schooling, medical services and vocational training to those in need. **[28a]**

HEALTH ISSUES

24.26 The USSD 2006 Report 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." **[2b] (Section 5)**

(See section 25: Medical Issues)

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25. TRAFFICKING

25.01 In its introduction the USSD 2006 Report recorded that "Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems…" however "The government's Anti Trafficking Unit (ATU) was fully functional and reportedly resulted in increased arrests and prosecutions of human traffickers. Cooperative efforts between the military, ATU, and international organizations prevented human trafficking resulting from the social dislocation following the 2005 earthquake. Training efforts within the security forces greatly improved treatment of trafficking victims." [2b] (Introduction)

25.02 The USSD Trafficking in Persons 2007 Report, released in June 2007 (USSD TIP 2007 Report) 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. During the reporting period, the government prosecuted traffickers, including government officials facilitating trafficking, and continued to refer victims to available protection services. Pakistan did not, however, demonstrate efforts to address the serious issues of bonded and other forms of involuntary servitude. Over next year, Pakistan should continue to increase anti-trafficking efforts, particularly in the areas bonded labor, forced child labor, and internal trafficking for commercial sexual exploitation." **[2d] (p164)**

25.03 On legislation prohibiting trafficking the USSD 2006 Report stated

"The law prohibits international trafficking in persons but remains silent on internal trafficking; however, both forms of trafficking were serious problems. All forms of international trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from seven to 14 years' imprisonment plus fines. The government arrested 1,393 suspected traffickers and prosecuted 685 under the ordinance during the year, but it was unclear whether these cases included human smuggling. According to SHARP [Society for Human Rights and Prisoners Aid], the government registered 1,700 cases of human trafficking during the year. The Federal Investigation Agency's (FIA) dedicated antitrafficking unit (ATU) had primary responsibility for combating trafficking. An Inter Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking. **[2b] (Section 5)**

Trafficking to and from Pakistan

25.04 The USSD Report 2006 stated:

"Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on deceptive promises of legitimate jobs. The NGO Ansar Burney Welfare Trust estimated that approximately 200,000 Bengali women and 250,000 Burmese women were trafficked into the country and forced to

engage in prostitution. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, traffickers confiscated both groups' passports and forced them to work to pay off their transportation debt….Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. **[2b] (Section 5)**

25.05 The USSD TIP 2007 Report added that "Women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, Azerbaijan, Iran, Kazakhstan, Kyrgz Republic, Turkmenistan, Uzbekistan, and Tajikistan are also trafficked to Pakistan for sexual exploitation and involuntary servitude. In addition, Bangladeshi, Sri Lankan, Nepali, and Burmese women are trafficked through Pakistan." **[2d] (P164)**

25.06 On the problem of trafficking camel jockeys to the Middle East, the USSD 2006 Report observed "While the problem of child camel jockeys was effectively dealt with in May 2005 when the United Arab Emirates (UAE) banned the use of children as camel jockeys, the NGO Ansar Burney Welfare Trust reported that at least 46 child jockeys were sent to the UAE during the year. The boys were primarily recruited from the impoverished districts of the southern Punjab and interior Sindh." **[2b] (Section 5)** However the USSD TIP 2007 Report noted that "There were no new confirmed reports of the trafficking of Pakistani boys to the Middle East to serve as camel jockeys, but some NGOs contend that Pakistani children are trafficked to the Gulf for sexual exploitation." **[2d] (p164)**

Trafficking within Pakistan

25.07 With regard to internal trafficking in Pakistan the USSD 2006 Report 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 these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped." **[2b] (Section 5)** The USSD TIP 2007 Report noted that "Pakistan faces a significant internal trafficking problem reportedly involving thousands of women and children trafficked to settle debts and disputes or forced into sexual exploitation or domestic servitude. Unconfirmed estimates of Pakistani victims of bonded labor are in the millions." **[2d] (p164)** 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. **[71] (p63)**

(See section 24: Children)

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Prosecution

25.08 The USSD TIP 2007 Report observed that:

"The Government of Pakistan made uneven progress in prosecuting trafficking this year.. During the reporting period, the government convicted 65 traffickers under the Human Trafficking Ordinance. The government began an anti-

trafficking investigation of 20 major traffickers and also requested that Interpol issue arrest warrants for 22 of its nationals accused of trafficking. In addition, Pakistan filed cases against 21 government officials for complicity in trafficking. Notably, in February 2007, the Federal Investigations Agency (FIA) began investigating a trafficking case involving a current Federal Minister. Nonetheless, Pakistan did not demonstrate increasing law enforcement efforts against bonded labor or other labor forms of trafficking. Although Pakistan has a significant bonded labor problem — estimated at over 1 million victims — the government did not provide evidence of any investigations, prosecutions, convictions, or sentences for bonded labor or involuntary servitude. The government should strengthen law enforcemen efforts against such forms of trafficking, as well as against the internal trafficking of boys and girls for commercial sexual exploitation." **[2d] (ps 164-165)**

25.09 On the matter of prosections of government officials the USSD 2006 Report noted that traffickers had bribed officials to facilitate their passage. But during the year the Government arrested Federal Investigation Agency officers and prosecuted government officials for trafficking offences. The report added that "According to an Islamabad based NGO, 13 officials of the FIA were punished under departmental laws. The details of the punishment were not available" **[2b] (Section 5)**

Assistance to victims of trafficking

25.10 The USSD TIP 2007 Report stated:

"This year, the government took modest steps to improve victim protection. The government requires victims to assist in the investigation of trafficking cases and permits foreign victims to work pending the trial of their trafficker. Foreign victims reportedly are not prosecuted or deported for unlawful acts committed as a direct result of being trafficked, but some victims may still be subjected to prosecution for fornication, even as victims of sex trafficking. The government does not provide victims with legal alternatives to removal to a country where they might face hardship or retribution. Government officials routinely refer foreign victims to a shelter operated by IOM; and, Pakistani victims can access any of 276 government centers offering medical treatment, vocational training, and legal assistance to women and children. The government, however, lacks protection services for male victims who can neither access the IOM shelter nor the government centers. The government does not provide assistance to male or female victims of bonded and other forms of forced labor. Pakistan should: ensure that victims of trafficking are not punished; rescue and protect an increased number of victims of sex and labor forms of trafficking; and make available protection services to all victims of trafficking." **[2d] (p165)**

25.11 The USSD 2006 Report also reported that:

"The government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated nearly 298 camel jockeys from the UAE and Qatar.In March 2005 the central government opened one model shelter specifically for trafficking victims. There were 276 additional district run emergency centers for women in distress where trafficking victims could be sheltered and given access to medical treatment, limited legal representation, and some vocational training. The government

provided temporary residence status to foreign trafficking victims. The FIA [Federal Investigation Agency] and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs [Non Governmental Organisations] 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. With the establishment of a dedicated ATU [Anti Trafficking Unit], treatment of trafficking victims improved, although some women forced into commercial sexual exploitation may have been treated as criminals under the Hudood Ordinances before the law was amended during the year [2006]. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination upon their repatriation…Several NGOs held workshops on trafficking during the year, and the government and NGOs worked to publicize the plight of camel jockeys through press advertisements and the plight of camel jockeys public awareness campaigns to discourage the continuation of the practice." **[2b] (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. **[5]** 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]**

26.02 The USSD's Consular Information Sheet on Pakistan last updated 27 September 2007 reported that:

"Adequate 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… 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…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 not known." **[2e] (p3)**

26.03 The 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." **[72] (p6)**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.04 The US State Department Report 2006 (USSD 2006), published on 06 March 2007, reported that "In cooperation with donors and the UN, the government established the National AIDS Control Program (NACP), which managed an aggressive campaign to educate its citizens regarding AIDS. NACP held rallies, public campaigns and spoke about birth control and AIDS awareness in mosques. Those suffering from HIV/AIDS faced broad societal discrimination." **[2b] (Section 5)**

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." **[35z]**

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. **[35z]**

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CANCER TREATMENT

26.07 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]**

26.08 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]**

KIDNEY DIALYSIS

26.09 Global Dialysis' website lists 115 Dialysis Centres in Pakistan (see source) **[48]**

MENTAL HEALTH

26.10 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 [sic] 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." **[49]**

26.11 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 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" **[49]**

26.12 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…".**[49]**

26.13 The 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 amitriptylline); and procyclidine" **[49]**

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27. HUMANITARIAN ISSUES

27.01 On 15 December 2006, the Integrated Regional Information Networks, IRINNEWS.ORG, reported that "More than 75,000 people were killed and some 70,000 severely injured or disabled on 8 October 2005 when the South Asia earthquake devastated the mountain communities of northern Pakistan and Pakistani-administered Kashmir. An estimated three million were left with inadequate shelter, most of them in need of food in the immediate aftermath." **[41f]** The same report gave details of shelter and food provided by government-run relief camps in the affected areas.

27.02 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 22 March 2007 that:

"Authorities in Pakistani-administered Kashmir have announced plans to close by the end of June [2007] all tented camps housing thousands of people displaced by a massive 7.6-magnitude earthquake in October 2005. About 30,000 quake-displaced people, comprising more than 5,000 families, continue to live in about 44 makeshift settlements in Pakistani-administered Kashmir. More than 600 families living in camps are landless while another 1,700 households are categorised as vulnerable, including orphans, the elderly and female-headed households, according to camp management officials. 'The return process is set to start from 1 April and would be completed in phases,' said Shahid Malik of the Camp Management Organisation (CMO). 'In the first phase, some 2,700 families [in camps], whose houses and livelihoods were damaged by the earthquake, would be assisted to return to their villages,' Malik said.As part of the plan, each returnee family will be eligible for an assistance package of 14 corrugated iron sheets, two months-worth of food rations and free transportation from the camp to their place of origin. Moreover, the families have already received a house reconstruction cash grant of about US $1,660, officials say. The second phase will target landless families, who will be given an additional grant worth about $1,250 to help them buy land for housing." **[41g]**

27.03 The same report noted that:

"The decision to close the camps has added to the misery of many displaced people living in these makeshift settlements…Nearly two million quake survivors had to live in tents and makeshift shelters, battling harsh weather throughout last winter. As the return plan has only been announced informally, only about 350 families have registered with Pakistani-administered Kashmir camp management authorities. Officials conceded that they anticipated challenges to convince people to return. 'Here [in camps] they have free access to education, healthcare, electricity and other facilities,' said Malik. Several national and international aid agencies have been operating in the region to assist people in reviving their livelihoods, he noted." **[41g]**

27.04 The Department for International Development (DfID) reported on 25 July 2007 that:

"A major storm in Karachi on 23 June knocked out electricity for several days and destroyed homes. On 26 June Cyclone Yemyn passed through Balochistan Province and heavy rains fell in Sindh and North West Frontier

Province. Rains breached much of the flood protection network of dams, irrigation canals and river banks. This has resulted in major flooding which the Government estimates has affected more than 2.5 million people, and an estimated 377,000 have been made homeless. The official Government figure for deaths now stands at 296 with a further 224 still missing in Balochistan."
[74]

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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 State Department Report 2006 (USSD 2006), published on 06 March 2007, noted that "The law provides for these rights; however, the government limited them in practice. The government required that foreigners have special permission to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas] and Balochistan." **[2b] (Section 2d)**

28. 02 The same report noted that:

"The law prohibits travel to Israel. Despite this, Pakistani journalists reported on the Israel Lebanon conflict from inside Israel in July. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. There were approximately 3,740 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required 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 for removal to the Secretary of Interior and the advocate general of the senior judiciary. …The law prohibits forced exile [but former primeministers Nawaz Sharif and Benzir Bhutto had been exile since 2000, though both were allowee to return in December and October 2007 respectively]" **[2b] (Section 2d)**

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29. FOREIGN REFUGEES

AFGHAN REFUGEES

29.01 The USSD 2006 Report noted that:

> "The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol; however, the government has a system to protect refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the UN High Commissioner for Refugees (UNHCR) approximately 2.4 million Afghan refugees remained in country. The government continued to work closely with the UNHCR to provide support to this population. As of October 13 [2006], the last day of UNHCR-assisted repatriations, the government cooperated with UNHCR in the voluntary repatriation of 133,338 Afghan refugees. There were also 9,681 spontaneous refugee returns known to UNHCR." **[2b] (Section 2d)**

29.02 The USSD 2006 Report also reported that:

> "The Afghan refugee camps that the government scheduled for closure during the year remained open. A registration of those Afghan refugees counted in the 2005 census in the country began on October 15 [2006] and was scheduled to be completed by the end of the year, but was extended. The registration, conducted jointly by country's National Database and Registration Authority and UNHCR, issues a proof of registration card, valid for three years, and identifies the holder as an Afghan resident. Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees during their search for al Qa'ida. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition, and blamed refugees for high crime rates. Single women, female headed households, and children working on the streets were particularly vulnerable to abuse, including trafficking." **[2b] (Section 2d)**

29.03 A UNHCR News Story dated 16 April 2007 reported that:

> "A grace period for unregistered Afghans to return home from Pakistan ended at the weekend after more than 200,000 Afghans had repatriated with UNHCR assistance. The sixth year of UNHCR-facilitated returns to Afghanistan was linked to the registration of more than 2.15 million Afghan citizens in Pakistan. The exercise ended earlier this year and Pakistan said Afghans who were not registered and did not have Proof of Registration (PoR) cards would be given a six-week grace period to return voluntarily…On the last day of the grace period, just over 9,000 Afghans left Pakistan from three voluntary repatriation centres (VRC) run by UNHCR in North West Frontier Province (NWFP) and

Balochistan province. Since this year's repatriation began, a total of 205,977 Afghans went back home voluntarily, most from NWFP." **[20c]**

29.04 The same article further stated that:

"…UNHCR will from Thursday begin processing Afghans with PoR cards who want to return home. The cards – only recognised as an identification document – are valid for three years and provide temporary protection for Afghans living in Pakistan.'Afghans with PoR cards who decide for voluntary repatriation this year will also get US$100 as a transportation and reintegration grant. The enhanced package is meant to help returnees with initial reintegration in their country of origin,' said Kleinschmidt [UNHCR's assistant representative in Pakistan], who added that 'our doors will remain open for individual asylum seekers with immediate protection concerns.'" **[20c]**

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30. CITIZENSHIP AND NATIONALITY

30.01 Information issued by the Pakistani government (accessed on 18 April 2007) advises that Pakistan citizenship can be acquired in specified circumstances; these include "Foreign ladies married to Pakistani nationals", and the '"Minor children (below 21 years of age) of Pak [sic] ladies married to foreigners." **[29b] (p2-3)** Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. **[29b] (p4)** The Government of Pakistan has dual nationality agreements with 16 countries including the UK **[29b] (p4-5)**; however, travel advice issued by the Foreign and Commonwealth Office stated that "If you or your father were born in Pakistan, you might be considered 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] (p4)** Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. **[29b] (p5)**

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

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

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31. EXIT/ENTRY PROCEDURES

31.01 The USSD 2006 Report observed that the laws provides for the freedom of movement within the country, foreign travel, emigration and repatriation but the the government limited these in practice and the "government required that foreigners have special permission to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas] and Balochistan." **[2b] (Section 2d)**

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

(See also Section 19: Ahmadis, Passport and ID Cards)

32. EMPLOYMENT RIGHTS

32.01 The USSD 2006 Report recorded that:

> "The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. Agricultural workers, nonprofit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the government underestimated the number of union members. The large number of workers in the informal sector (70 percent of a total labor force of 51 million) was not represented by unions." **[2b] (Section 6a)**

32.02 The USSD 2006 Report also noted that:

> "A few sectors are exempted from the IRO: the police, armed forces, ministry of defense, Pakistan security printing corporation, civil defense, fire services, and oil installations. In the rest of the economy the government allowed unions to conduct their activities without interference. The IRO protects the right to collective bargaining, subject to restrictions, but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent." **[2b] (Section 6b)**

32.03 The USSD 2006 Report further reported that:

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

32.04 The USSD 2006 Report also noted that:

> "National labor laws require the government to determine every six months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission. The estimated 12,500 employees working in the country's three Export Processing Zones (EPZs) are exempt by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs. **[2b] (Section 6b)**

32.05 The USSD 2006 Report also stated that:

"The national minimum wage for unskilled workers was $42 (Rs 2,500) per month. 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. Significant parts of the work force (such as those in the informal sector, domestics and migrant workers) were not covered. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors. Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines 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. Many workers were unaware of their rights." **[2b] (Section 6e)**

32.06 The USSD 2006 Report further reported that:

"The government adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax, and child labor was a serious problem. According to HRCP [Human Rights Commission of Pakistan], there were approximately 10 million child laborers. The media reported that 70 percent of non-agricultural child labor took place in very small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities that employ fewer than 10 persons. Child labor in agriculture and domestic work was common. The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. For example, no child is allowed to work overtime or at night and should be guaranteed one day off per week; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. In 2001 the Ministry of Labor identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving, among others. Authorities obtained hundreds of convictions for violations of child labor laws, but low fines levied by the courts ranging from an average of $6 (Rs 364) in the NWFP to an average of $121 (Rs 7,344) in Balochistan were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (Rs 20,200). Penalties often were not imposed on those found to be violating child labor laws." **[2b] (Section 6d)**

32.07 The USSD 2006 Report additionally noted that:

"The International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) continued programs in the carpet

weaving, surgical instrument, rag-picking, and deep sea fishing industries 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." **[2b] (Section 6d)**

BONDED LABOUR

32.08 The USSD 2006 Report stated that:

"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 (Rs 50,000) in fines.

"Estimates by NGOs SPARC [Society for the Protection of the Rights of the Child] and SHARP [Society for Human Rights and Prisoners Aid] suggested that between 1.5 and 2 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. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus. Bonded laborers were often unable to determine when their debts were fully paid. Those who escaped often faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor." **[2b] (Section 6c)**

32.09 The USSD IRF Report 2007 recorded that:

"The Government did not subject individuals to forced labor or enslavement based on religious beliefs; however, minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in both the brick-making and agricultural sectors. Christians and Hindus were disproportionately victims of this practice. In June 2005, police raided sites in Punjab Province, and freed more than 300 mostly Christian workers performing forced labor in brick kilns." **[2f] (Section II)**

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Annex A: Chronology of major events

(As reported in the BBC's 'Timeline – Pakistan A chronology of key events', updated 18 January 2008, **[35b]** unless otherwise sourced)

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

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

1948 First war with India over disputed territory of Kashmir.

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.

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

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

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

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

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

1996 President Leghari dismisses Bhutto government amid corruption allegations.

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

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

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

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

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

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

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

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

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

2001 September – Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1998, but retains others put in place after Musharraf's coup.

2001 October – India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir for almost a year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2004 May – Pakistan readmitted to Commonwealth.

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

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

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

2004 December – President Musharraf 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.

2005 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.

2005 August – Pakistan tests its first, nuclear-capable cruise missile.

2005 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.

2006 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.

2006 April – A suspected double suicide bombing kills at least 57 people at a Sunni Muslim ceremony in Karachi.

2006 August – Security forces kill prominent Balochistan tribal leader, Nawab Akbar Bugti. Protests over his death turn violent.

2006 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.

2006 December – Pakistan says it has successfully test-fired a short-range missile capable of carryng 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 Iftakar Mohammed Choudhury, 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, 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 targetting 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.

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Annex B: Political organisations

ALL PAKISTAN MOHAJIR STUDENTS ORGANISATION (See MUTTAHIDA QUAMI MOVEMENT)

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE (APHC)
Reported by the BBC on 14 June 2005 as being the main separatist alliance in Indian administered Kashmir. The party is currently split into moderate and hard-line factions, the former being led by Mirwaiz Umar Farooq, the latter by Syed Ali Geelani. **[35o]**
Jane's Terrorism and Insurgency Centre website noted that the Srinagar-based APHC purports to represent non-militant groups in finding a peaceful resolution to the Kashmir dispute. **[36b] (p2)**

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

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

HARKAT-UL-ANSAR (See HARAKAT-UL-MUJAHIDEEN - HuM)

HARAKAT-UL-MUJAHIDEEN (HuM) (Movement of Holy Warriors) (Believed to have also operated as Jamiat-ul-Ansar)
Jane's Terrorism and Insurgency Centre website noted that the HuM was founded in 1985 and reports that:

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

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

In October 2003 the Government of Pakistan ordered that HuM and associated groups' offices be closed and their activities terminated. The HuM is believed to have continued operating under the name Jamiat-ul Ansar. Other names used have been al-Hadid, al-Hadith and al-Faran…Active, but its activities have been greatly reduced since 1999 when the Jesh-e Mohammadi (JeM) (qv) was formed as a splinter or cover group with almost identical aims…Various figures have been identified as HuM leaders. Masood Azhar was the group's general secretary and described as their most important military commander and strategist. His defection from the group in 1999 to establish JeM

contributed to marginalisation of the HuM/HuA as such. Fazlur Rahman Khalil is believed to be the HuM's overall commander for Pakistan and holds the official title of Amir of the HuM; the US State Department has also identified Maulana Sadaatullah Khan as HuM leader, and it is probable that he is the most senior commander in IAK [Indian-administered Kashmir].

The HuM has separate branches which deal with training, operations and finances. The group's command structure has been in disarray since the end of 1999, because it lost most of its experienced field commanders to the Jesh-e Mohammadi." **[36a] (p1-5)**

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

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

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

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

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

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

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

One of five extremist groups banned by President Musharraf in January 2002, it was banned in November 2003 as Khudam-ul-Islam by President Musharraf along with five other groups. **[24b] (p45693)**

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that, although officially launched in March 2000, its founding date is usually given as December 1999,

following the release of its founder (Maulana Masood Azhar) from prison in India. Jane's TIC reports that it is an active, radical Sunni group, and is known as "Jesh-e-Mohammadi (Army of the Prophet Mohammad: JeM), or (and more usually) Jaish-e-Mohammad, or sometimes Jaish-e-Mohammed-e-Tanzeem. One alternative name is Khuddam-ul-Islam, under which it was banned in Pakistan in November 2003…On 23 December 2003 the State Department announced it had 'amended the designation of Jaish e-Mohammed pursuant to Executive Order 13224 to add the following names as aliases: Khuddam-ul-Islam, Khudamul Islam, Kuddam e Islami'". **[36c] (p2)**

Jane's TIC also noted that:

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

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

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

Jane's TIC further reports that:

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

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

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

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

"Maulana Qari Mansoor Ahmed – information/public relations;
Maulana Abdul Jabbar – military;

Maulana Sajjad Usman – finance;
Shah Nawaz Khan (Sajjid Jihadi or Gazi Baba) – commander Jammu and Kashmir;
Maulana Mufti Mohammed Asghar – commander.

Membership and Support
"Following the establishment of the organisation, it is believed that some three quarters of the armed volunteers fighting with the HuM defected to the JeM. Most members are Pakistanis and urban based Kashmiris, although it does have some Arab and Afghan members. The US State Department puts its armed forces at several hundred, although exact figures are difficult to determine because mujahid can belong to more than one organisation, and frequently change allegiances." **[36c] (p3-5)**

JAMAAT-E-ISLAMI PAKISTAN (JIP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1941. Seeks establishment of Islamic order through adherence to the teaching of Maulana Maududi; rightwing, led by Amir Qazi Hussain Ahmad. **[1] (p447)**

JAMAAT-UD-DAWA (See LASHKAR-E-TAIBA)
Thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Taiba [Toiba] [Toyeba] – LiT – this group escaped a ban but was placed under surveillance when President Musharraf banned six further groups in November 2003. **[24b] (p45693)**

JAMIAT-E-ULEMA- E-ISLAM (JUI) (See MILLAT-E-ISLAMIA PAKISTAN and MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. **[1] (p447)** The JUI (Islamic Party of Religious Leaders) is led by Maulana Fazlur Rehman, a pro-Taleban cleric, who is also the general secretary of the six-party religious alliance the Muttahida Majlis-e-Amal. **[35h]**

JAMIAT-E-ULEMA-E-PAKISTAN (JUP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. President Shah Farid-ul Haq. **[1] (p447)**

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

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

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that the group was originally founded in 1965 as the Jammu and Kashmir National Liberation Front, but soon split. Jane's TIC records that "The group is split in two main factions each calling themselves the JKLF, with a further titled the Jammu Kashmir Democratic Liberation Party…The JKLF (Yasin Malik faction) is now a non-violent organisation seeking peaceful resolution of the Kashmir dispute, but on unrealisable terms." **[36e] (p1-2)** The Chairman of one faction is Amanullah Khan, the Chairman of a second faction is Mohammad Yasin Malik and the Chairman of the Jammu Kashmir Democratic Liberation Party is Hashim Qureishi. **[36e] (p3)** Jane's TIC noted that "Malik is another moderate, who in May-June 2004 was involved in talks aimed at unifying moderates under the aegis of the All Parties Hurriyat Conference (APHC). The talks were unsuccessful, and the split between moderates and militants has if anything widened." **[36e] (p4-5)**

Jane's TIC further reports that:

"The JKLF factions have little influence in either India or Pakistan, and their impact on upon Kashmiri affairs is negligible. They do not endorse militancy by secessionist groups, but JKLF-led mobs in Indian-administered Kashmir are prone to violence…The various factions of the JKLF are currently not militant, and therefore have no military command structure. However, they retain many vice-chairmen and office bearers, along with numerous committees, including the National Economic Affairs Committee and the State Minorities and Human Rights Protection Committee…Politically, the group's aims, objectives and demands are promulgated through open letters, seminars, rallies, demonstrations and the Internet." **[36e] (2-5)**

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

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

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

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

Jane's TIC also reports that:

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

Jane's TIC further stated that:

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

SSP members to its own ranks, and the refusal of the SSP leadership to condemn LeJ violence.

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

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

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

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

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

Jane's TIC further records that:

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

"The LeT joined the resistance movement against the Soviet occupation of Afghanistan, and in the short period until the Soviets were forced out of the country in 1989 it received aid from both the US Central Intelligence Agency and from the Inter Services Intelligence Directorate (ISI) of Pakistan. After the Soviets' defeat, links remained between the ISI and the LeT even after the CIA withdrew funding...The LeT's overall objective is to Islamise the subcontinent, with a primary aim of 'liberating' Muslims in IAK [Indian-administered Kashmir]. Its declared policy is creation of regional Muslim states – one involving accession of Kashmir to Pakistan, a second formed by the Muslims of North India, and a third formed by the Muslims of South India. The Amir of the LeT called first for a jihad to turn Pakistan into a purely Islamic state and second

for the waging of jihad against countries with non-Islamic governments. (And, presumably, against such nations as Shia-ruled Iran.) The Amir cited Chechnya and Afghanistan as models for international jihad. Its main propaganda publication is the monthly magazine Majjala-tul-Dawa, produced under the auspices of Jamaat-ud-Dawa." **[36g] (p2-3)**

Jane's TIC additionally noted that:

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

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

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

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

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

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

MILLAT-E-ISLAMIA PAKISTAN (See JAMIAT-E-ULEMA- E-ISLAM – JUI)
Formed as a breakaway faction of the JUI, formerly known as Sipah-e-Sahaba Pakistan (SSP), it changed its name from the SSP when its activities were proscribed in January 2002. It is a Sunni extremist sect, and was banned again under the name Millat-e-Islamia Pakistan in November 2003. **[1] (p447)** (See also Lashkar Jhangvi)

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

MOHAJIR QUAMI MOVEMENT (See MUTTAHIDA QUAMI MOVEMENT)

MUTTAHIDA QAUMI MOVEMENT (MQM)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that:

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

Jane's TIC also stated that:

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

Jane's TIC further records that:

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

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

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

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

PAKISTAN MUSLIM LEAGUE (PML)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. President Chaudhry Shujaat Hussain. **[1] (p447)**

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

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

PAKISTAN PEOPLE'S PARTY PARLIAMENTARIANS (PPPP) (See PAKISTAN PEOPLE'S PARTY)
A faction of the Benazir Bhutto's Pakistan People's Party set up in 2002 to contest the October 2002 elections. **[1] (p411)** Merged with the PPP in 2004. **[1] (p447)**

PAKISTAN PEOPLE'S PARTY (SHAHEED BHUTTO GROUP)
Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan **[1] (p447)**

PAKISTAN PEOPLE'S PARTY (SHERPAO GROUP) See PAKISTAN PEOPLE'S PARTY)
Merged with the Pakistan People's Party in 2004. **[1] (p447)**

SIPAH-E-MOHAMMAD (FIGHTERS OF MUHAMMAD)
Shia militant group, banned in 2001 and held responsible for attacks on the Sunni majority. **[35j]**

SIPAH-E-SAHABA PAKISTAN (SSP – ARMY OF THE COMPANIONS OF THE PROPHET) (See MILLAT-I-ISLAMIA PAKISTAN)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this group, founded in the early 1980s, is:

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

Jane's TIC also recorded that:

"In September 1985 Maulana Haq Nawz Jhangvi, Maulana Zia-ur-Rehman Farooqi, Maulana Eesar ul Haq Qasmi and Maulana Azam Tariq established the Anjuman

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

Jane's TIC further reports that:

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

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

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

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

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

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

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

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)
Lahore. Founded 1996, led by Imran Khan. **[1] (p447)**

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

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

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

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

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

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

"JeM was founded and is led by Maulana Masood Azhar who formed the group following his release from an Indian prison in late 1999 as part of an agreement over the ending of a hijack crisis. The LeT is led by Hafiz Mohammed Saeed, former professor of Islamic Studies at the University of Engineering and Technology in Lahore.

Al Badar is led by Nasser Ahmed and Bhakat Aaman. HuM is led by Fazl-ul-Rehman Khalil." **[36i] (p2-3)**

Jane's TIC further noted that:

"The UJC (also known as the Muttahida Jehad Council: MJC) was formed in November 1990 following a ferocious Indian crackdown on insurgency in Indian-administered Kashmir. It is based in Muzaffarabad, in Pakistan-administered Kashmir, with an office in Rawalpindi. The aim of the organisation was, and probably still is, to bring all militant groups under a single banner. To a certain extent this has been achieved, but the organisation is by no means effective in the military sense of having units 'under command'…In early 2005 it was reported that considerable reorganisation of the UJC was talking place but, given the proclivity of the various groups to disagree with each other and among themselves, sometimes to the point of extreme violence, it is uncertain how effective this restructuring will be." **[36i] (p3-4)**

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Annex C: Prominent people (as at 25 January 2007)

The FCO country profile, updated on 2 January 2008, lists the cabinet of the caretaker Government following the dissolution of the National Assembly on 15 November 2007:

"Prime Minister (and Chairman of the Senate): Mohammadmian Soomro

Minister for Commerce, Trade and Industry: Shahzada Alam Monnoo

Minister for Communications: Barrister Habibur Rehman

Minister for Culture: Sikander Jogezai

Minister for Defence and Defence Production: Dr Salim Abbas Jillani

Minister for Finance, Economic Affairs, Revenue and Statistics: Dr Salman Shah

Minister for Education, Science and Technology: Dr Shamsh K. Lakha

Minister for Environment, Local Government and Rural Development: Syed Wajid H. Bokhari

Minister for Food, Agriculture and Livestock: Prince Essa Jan

Minister for Foreign Affairs: Inam ul-Haque

Minister for Housing and Works: Nisar Ali Khan

Minister for Industries, Production and Special Initiatives: Salman Taseer

Minister for Information and Broadcasting: Nisar A. Memon

Minister for Information Technology: Dr Abdullah Riar

Minister for Interior and Narcotics: Lt. Gen (rtd) Hamid Nawaz

Minister for Human Rights: Ansar Burney

Minister for Kashmir Affairs and Northern Areas and Minister of States and Frontier Regions: Abbas Sarfraz

Minister for Labour, Manpower and Overseas Pakistanis: Nisar Ghumman

Minister for Law, Justice and Parliamentary Affairs: Syed Afzal Haider

Minister for Minorities: Raja Tri Dev Roy

Minister for Petroleum and Natural Resources: Ahsan Ullah Khan

Minister for Ports and Shipping: Dr Fahim Ansari

Minister for Religious Affairs, Zakat and Ushr: Khawaja Attaullah Taunsa Sharif

Minister for Tourism and Youth Affairs: Barrister Muhammad Ali Saif

Minister for Women Development, Social Welfare and Special Education: Dr Shahida Jamil

Minister for Railways: Mansoor Tariq" [11b]

AZIZ, Shaukat

Former banker who joined the government after the October 1999 coup. (BBC News 19 August 2004) **[35m].** Mr Aziz was prime minister from August 2004 to November 2007, when his tenure came to an end and he was replaced by Mohammadmian Soomro. (Commonwealth Secretariat, Head of Government, accessed on 18 January 2008) **[83]**

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

"Born in 1953 in the province of Sindh and educated at Harvard and Oxford, Ms Bhutto gained credibility from her father's high profile, even though she was initially a reluctant convert to politics. She has twice been prime minister of Pakistan, from 1988 to 1990 and from 1993 to 1996. On both occasions she was dismissed from office by the president for alleged corruption…Ms Bhutto was imprisoned just before her father's death [in 1979, after he was imprisoned and charged with murder by General Zia-ul-Haq in 1977] and spent most of her five-year jail term in solitary confinement…During stints out of prison for medical treatment, Ms Bhutto set up a Pakistan People's Party office in London, and began a campaign against General Zia. She returned to Pakistan in 1986, attracting huge crowds to political rallies. After General Zia died in an explosion on board his aircraft in 1988, she became one of the first democratically-elected female prime ministers in an Islamic country…She has steadfastly denied the corruption charges against her, which she says are politically-motivated. But she left Pakistan in 1999 to live abroad shortly after her conviction – and has not returned since. Even though she is out of Pakistan, questions about her and her husband's wealth have continued to dog her. She faces arrest if she returns to Pakistan." **[35q]**

Europa Regional Surveys of the World: South Asia 2005 reported that, in April 2001, the Supreme Court nonetheless set aside the corruption conviction and ordered a retrial; in June 2001 she was sentenced in absentia to three years imprisonment for not appearing in court to answer charges of corruption (she was residing in Dubai). **[1] (p409)** Keesing's Record of World Events for November 2003 recorded that, in November 2003, a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August (2003) on a money laundering charge. **[24b] (p45693)** A BBC news report dated 26 January 2006 stated that "Interpol has issued notices for the arrest of ex-Pakistan PM Benazir Bhutto and her husband, Asif Ali Zardari…The 'red notices' issued for the couple did not amount to international arrest warrants, Interpol confirmed…Interpol said it made its decision on the basis of a fresh approach from Islamabad within the last month. The new approach came after a Pakistani court ruled that Ms Bhutto and her husband were fugitives from justice because they had failed to appear in court to answer corruption charges." **[35l]**

In the BBC News obituary of Ms Bhutto, it reported that "Ms Bhutto returned to Pakistan on 18 October 2007 after President Musharraf signed into law an ordinance granting her and others an amnesty from corruption charges. Observers said the

military regime saw her as a natural ally in its efforts to isolate religious forces and their surrogate militants." The same report continued that Ms Bhutto had engaged in talks with President Musharrad, with a possibility of sharing power. **[35ar]** However on 27 December 2007 Ms Bhutto was killed in a bomb attack as she was leaving an election rally in Rawalpindi. (BBC News, 27 December 2007) **[35al]**

BHUTTO, Bilawal Zardari

Son of Benzair Bhutto and Asif Ali Zardar, 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, will effectively run the party. (Daily News, 31 December 2007) **[55e]**

BHUTTO, Zulfikar Ali

The Encarta Online Encyclopedia 2005 reported that he was born in 1928 in Sind Province and was descended from a long line of Muslim landlords and politicians. Formed the Pakistan People's Party in 1967. Won a majority of seats in West Pakistan in the 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president and chief martial law administrator of Pakistan in December 1971. After the new Constitution was adopted in August 1973, Bhutto became Prime Minister. He was re-elected in March 1977, but deposed by General Muhammed Zia ul-Haq in a military coup in July (1977). He was found guilty of authorising the murder of a political opponent in 1974 – which he denied – and hanged in April 1979. **[32b]**

JINNAH, Muhammad Ali

Europa Regional Surveys of the World: South Asia 2005, reported that he was the leader of the Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became the first Governor-General of Pakistan when the country was created in August 1947, but died the following year. **[1] (p387-388)**

HUSSAIN, Altaf

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

MUSHARRAF, Pervez

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

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

A BBC Timeline of Pakistan, updated on 18 January 2008, reported events of significance during General Musharraf reign as leader of Pakistan. On 20 June 2001

he named himself as President, while remaining Chief of the Army. In April 2002, President Musharraf won another 5 years as president in a referendum criticised as "unconstitutional and fraught with irregularities…". In August 2002 "President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship…". President Musharraf announced in December 2004 that he will stay on as head of the army, having previously said the opposite. **[35b]**

In March 2007, President Musharraf dismissed the Chief Justice of the Supreme Court but four months later in July, after demonstrations, the Supreme Court ruled that the Chief Justice should be reinstated. In October 2007, President Musharraf won the presidential elections but the Supreme Court stated that a winner could not be declared until it had ruled on whether President Musharraf could be both President and the Chief of the Army. In November 2007 President Musharraf declared a state of emergency and again sacked the Chief Justice. Later in the same month, the Supreme Court, having been packed with compliant judges, declared that President Mudsharraf was eligible to be President. Subsequent to this, President Musharraf stepped down as Chief of the Army and is sworn in as President. (BBC News, Pakistan Timeline) **[35b]**

SHARIF, Mohammad Nawaz

Europa Regional Surveys of the World: South Asia 2005 recorded that he was formerly the Chief Minister of Punjab, led the Islamic Democratic Alliance to victory in the October 1990 elections and was appointed Prime Minister. **[1] (p394)** Dismissed in April 1993 by President Ishaq Khan, who accused him of 'maladministration, nepotism and corruption'. Sharif's government was restored to power after the Supreme Court ruled that the President's order had been unconstitutional. **[1] (p396)** Sharif's faction of the Pakistan Muslim League (Junejo Group) failed to win an outright majority in the October 1993 elections **[1] (p397)**, but the party swept to power in the February 1997 elections, after which Sharif became prime minister once again. **[1] (p401)** He was overthrown in the military coup of 12th October 1999 **[1] (p407)**, and sentenced to two terms of life imprisonment for hijacking and terrorism in April 2000. **[1] (p409)** Mr Sharif was allowed to return from exile in November 2007. (BBCNews, 18 January 2008) **[35b]**

UL-HAQ, MOHAMMAD ZIA

Europa Regional Surveys of the World: South Asia 2005 noted that he was both General and Chief of Army Staff, appointed martial law administrator following July 1977 coup. **[1] (p390)** He became president in 1978, and pursued a policy of "Islamisation" of the country's institutions, which was confirmed in the December 1984 referendum. **[1] (p391)** Martial law was repealed in December 1985 and the Constitution restored (as amended the previous October). **[1] (p392)** He was killed in an air crash on 17 August 1988. **[1] (p393)**

ZARDARI, Asif Ali

Europa Regional Surveys of the World: South Asia 2005 reports that he is Benazir Bhutto's husband, and was arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities (he was later acquitted on all counts). **[1] (p394)** In July 1996, was controversially appointed to his wife Benazir's cabinet. **[1] (p400)** He and Benazir were convicted of corruption in April 1999 and sentenced to five years' imprisonment and disqualified as members of the federal legislature. **[1] (p405)** In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside and ordered a retrial. **[1] (p409)** Keesing's Record of World Events for November 2003 reported that in November 2003 a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August (2003) on a money laundering charge. **[24b] (p45693)** A BBC news article of 26

January 2006 noted that "Mr Zardari was freed on bail in November 2004 after spending eight years in prison in Pakistan on charges ranging from corruption to murder." **[35l] (p2)** The same article also stated that "Interpol has issued notices for the arrest of ex-Pakistan PM Benazir Bhutto and her husband, Asif Ali Zardari…The 'red notices' issued for the couple did not amount to international arrest warrants, Interpol confirmed…Interpol said it made its decision on the basis of a fresh approach from Islamabad within the last month. The new approach came after a Pakistani court ruled that Ms Bhutto and her husband were fugitives from justice because they had failed to appear in court to answer corruption charges." **[35l] (1-2)**

Following the assassination of his wife, Benazir Bhutto, on 27 December 2007 (see Ms Bhutto's profile above) Mr Zardari was nominated to lead the Pakistan People's Party. (BBC News, 1 January 2008**) [35as]** The EIU Country Report – January 2008, noted that Mr Zardari and his son, Bilawal Zardari Bhutto, were appointed on 30 December 2007 as co-chairmen of the Pakistan People's Party. **[77a]** The EIU report added

"It is also noteworthy that the party has chosen him as its new figurehead; Asif Ali Zardari, although co-chairman, has been given the role of a caretaker who will keep the party running while the 19-year-old Bilawal completes his studies in the UK. This is partly because corruption scandals implicating the elder Mr Zardari (and which led to his imprisonment, although he has always denied all charges) make him too controversial a figure to be the party's sole leader. But it is also, and perhaps more importantly, because he is a member of the Bhutto clan only by marriage." **[75a]**

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
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
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

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The Home Office is not responsible for the content of external websites.

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