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U.S. Department of State

Pakistan Country Report on Human Rights Practices for 1996

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PAKISTAN

Pakistan is an Islamic republic in which power is shared between the Prime Minister, as the leader of the National Assembly, and the President. The Chief of Army Staff also wields considerable influence on many major policy decisions and is the third member of the unofficial "troika" that governs the nation. During the first 10 months of 1996, Prime Minister Benazir Bhutto dominated political policymaking, with President Farooq Leghari playing a complementary role. Chief of Army Staff General Jehangir Karamat consulted closely with the Government but avoided open involvement in governing. The Constitution provides for an independent judiciary; however, it is subject to executive branch influence.

On November 5, 1996, President Leghari, invoking Section 58 (2)b of the Constitution, dismissed Prime Minister Bhutto and her Cabinet, and dissolved the National Assembly. Over the subsequent 2 weeks the provincial assemblies were also dissolved. President Leghari and caretaker Prime Minister Meraj Khalid have stated that new national elections would be held on February 3, 1997. Bhutto has challenged her dismissal and the dissolution of the National Assembly in the Supreme Court.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary are responsible for maintaining law and order in Karachi and frontier areas. Provincial governments control the police and paramilitary forces when they are assisting in law and order operations. Members of the security forces committed numerous human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth and social stratification. Its

per capita annual income is \$495, and its rate of illiteracy is extremely high and is increasing, especially among women. The economy includes both state-run and private industries, and financial institutions. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy. The Government continues to pursue economic reforms, emphasizing the privatization of government-owned financial institutions, industrial units, and utilities. Cotton, textiles and apparel, rice, and leather products are the principal exports.

Although the Government has publicly pledged to address human rights problems, particularly those involving women, child labor, and minority religions, the overall human rights situation remains poor. Security forces committed extrajudicial killings, used arbitrary arrest and detention, tortured or abused prisoners and detainees, and raped women. The police, investigative and intelligence agencies, and politically motivated court cases were used to harass and arrest political opponents of the Government. Prison conditions are poor. The judiciary has been subject to influence through constitutionally permitted transfers of judges and appointment of temporary judges to the High and Supreme Courts. A Supreme Court ruling in March, however, has limited the Government's power over judicial appointments and transfers. There was no serious government effort to reform the police or judicial systems or to prosecute those responsible for abuse. Police continued to conduct illegal searches and infringe on citizens' privacy, for example through mail censorship. Case backlogs led to long delays in trials, and lengthy pretrial detention is a problem. The Government imposes limits on the freedom of assembly, religion, and movement.

Political groups including the Mohajir Quami Movement (MQM) and their opponents were responsible for a large number of killings in Karachi. Religious zealots continued to discriminate against and persecute religious minorities, basing their activities in part on legislation that discriminates against non-Muslims. Government-imposed procedural changes have made the registration of blasphemy charges more difficult. Religious and ethnic-based rivalries resulted in numerous murders and civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society. They continued to be subjected to abuse, rape, and other forms of degradation by their spouses and members of society at large. The Government and employers continued to restrict worker rights significantly. The use of child and bonded labor remained widespread, in spite of legislation to restrict these practices and the signing of a memorandum of understanding on child labor with the International Labor Organization (ILO). Little was done to improve basic conditions for children. Female children actually fell further behind their male counterparts in such measures as levels of health care and education.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The number of extrajudicial killings committed by security forces, often in the form of deaths in police custody or staged encounters in which the police shoot and kill the suspects, increased. Prior to the removal of the Bhutto government, police killings of suspected criminals and others had become so common that no government officials gave due attention to the practice. There are allegations that rival political groups and mafias use police to kill each other's activists in such fake encounters. There are also widespread reports that suspected criminals are murdered by the police to prevent criminals from implicating police in crimes during court proceedings. Police officials agree in private that due to the lack of concrete evidence, to corruption in the judiciary, and sometimes to political pressure, courts often fail to punish criminals involved in serious crimes. The police view these killings as appropriate in light of the lack of action by the judiciary against criminals.

President Leghari charged in his dissolution order against Prime Minister Bhutto's government that thousands of persons in Karachi and other parts of Pakistan, who were killed in police encounters and under police custody, had been deprived of their right to life in violation of Article 9 of the Constitution. Most such killings occurred in Sindh province in clashes between the Government and factions of the Mohajir Quami Movement (MQM).

The MQM was formed in 1984 as a response to a set of real and perceived political grievances of the part of the Mohajirs, the Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. The MQM, in part because of its successful organizational structure and its willingness to use violence and intimidation to further its ends, grew to become a dominant political party in urban Sindh, sweeping to power in November 1987 local elections in Karachi and Hyderabad. Relations between the MQM and the national Government have been contentious and often violent. Repeated government crackdowns against the party and its activists have failed to diminish, and may have increased, support for the party among the Mohajirs. Negotiations between the MQM and the Government have failed to make progress toward a political settlement in Karachi.

In Karachi the Government regularly used excessive force, including torture and alleged encounter killings, against MQM activists. Press reports put the total number of political killings at around 500, a sharp decrease from last year. Most of the MQM activists killed in encounters with police were not criminal suspects, and a sampling of cases shows that the official version of the encounters was often contradicted by other evidence.

In January MQM activist Faheem Bhoora died in police custody. The police claimed that Bhoora had taken them to a building under construction to recover arms that he had hidden there. According to the police, Bhoora then tried to escape by leaping from the second story, falling to his death. According to press reports, Bhoora's injuries--skull crushed from behind, broken ribs, and internal injuries--could not have occurred in the fall.

In March Rangers shot and killed Naeem Sherri and Amjad Beg, claiming that the two had opened fire on them. Sherri had been accused of numerous crimes, including murder. The Government claimed that the two were killed in a shootout inside Beg's house. Other witnesses reported that Sherri was trying to hide behind a stand when he was shot numerous times at close range. Beg was reportedly taken alive, moved outside, and then shot and killed in the street.

In June MQM activist Nadeem Sarwar was killed in an encounter with the police. The MQM claimed that he was killed after being arrested. Also in June two MQM workers were killed in an encounter. The police claimed that the two were driving an unregistered vehicle and opened fire on police when asked to stop. Other witnesses reported that the men were brought to the area in a police van.

In September police shot and killed Murtaza Bhutto, the brother of the Prime Minister, and seven of his supporters near his residence in Karachi. The police claimed that they intended only to arrest some of Bhutto's armed bodyguards. After the incident, there was confusion and delay over the registration by police of first information reports (FIR's) for the case, and one of the policemen allegedly injured in the encounter later died under circumstances that many view as suspicious. On December 18, prosecutors charged Asif Ali Zardari, the husband of former Prime Minister Bhutto, with the murder of her brother. A former intelligence chief was also charged with the killing, and several policemen were arrested but not charged. At year's end, a tribunal in Karachi was continuing its investigation into the case, and Asif Zardari remained in custody.

During 1996 the Lahore High Court (LHC) ordered an inquiry into several cases of such alleged fake

encounters, but no police official was convicted. In a few cases of extrajudicial killings, in which allegedly innocent people were targeted, some police officials were suspended and arrested, but their cases are still under trial.

In a similar case in January, Lahore police shot and killed a man named Tanveer. Police arrested Tanveer for his alleged involvement in multiple murders and armed robberies. During the interrogation police sent him to a hospital in police custody, but he escaped. In a subsequent encounter, the police shot him when he allegedly opened fire on them. The press declared the incident a staged encounter. The Human Rights Commission of Pakistan (HRCP) reports that during the interrogation police had tortured Tanveer so harshly that he had to be sent to a hospital. Upon doctors' refusal to treat him and fearing that he might die from his injuries, the police shot him. Lahore police also killed other persons in questionable encounters and in custody.

In July Bahawalnagar district police killed a schoolteacher and wounded his brother in a police encounter. According to the police, the teacher, Ashraf, was wanted for robbery. When police attempted to arrest him, Ashraf and his brothers fired on the police party, and in an exchange of fire Ashraf was killed and his brother was wounded. However, according to friendly relatives, Ashraf had a long-running property dispute with hostile relatives who paid police to kill him, allowing them to take his property. Following Ashraf's death, the friendly relatives, colleagues, and neighbors demonstrated in front of the police station and the residence of the police officer in charge. The police opened fire on the demonstrators, killing 4 persons and injuring 10. The Punjab Chief Minister ordered that a murder case be registered against the Deputy Superintendent of Police and the police station house officer.

In March an employee of the Criminal Investigation Agency and several colleagues reportedly killed a Christian laborer to avenge a purported insult. Following the Christian community's protest, a case was registered against the police, but no action had been taken against them by year's end.

In April in a clash with Pakistan Muslim League-Nawaz (PML-N) activists, police killed PML-N Lahore Additional Secretary General Javed Ashraf and wounded two other persons. Police arrested 10 PML-N activists and registered a case against them on charges of attacking the police, burning a police kiosk, and damaging public property. Police claimed that Ashraf and his associates then tried to break into a nearby bank and that the bank guard fired on them. The PML-N leaders, however, claimed that the police had fired on the procession without provocation and that they had deliberately targeted Javed Ashraf on the instructions of the Government. PML-N leaders charged that the Government killed Ashraf in order to warn PML-N activists that they could meet the same fate if they took part in the opposition's campaign against the Government.

At times police used excessive force against demonstrators. In June police killed three antigovernment marchers in a clash with protestors (see Section 2.b.). Also in June, police killed 4 Jamaat-i-Islami (JI) demonstrators in Rawalpindi and wounded about 100 (see Section 2.b.).

In October army major Arshad Jamil was hanged for the murder of nine members of a family during an anticriminal operation in Sindh in 1992.

In November the Lahore District Magistrate ordered his subordinates to follow up and resolve all allegations of killings in police custody. At year's end, over a dozen were reportedly completed. However, neither the results of the investigations nor any charges were publicly announced. Also in November in Karachi, the caretaker Sindh provincial Government initiated a wholesale housecleaning of the local police department, which had been accused of extrajudicial killings.

b. Disappearance

There were no known politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, or degrading treatment by police remained common practice. Police routinely use force to elicit confessions.

Common torture methods include: Beating, burning with cigarettes, whipping the soles of the feet, sexual assault, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, forced spreading of the legs, and public humiliation. Some magistrates and doctors help coverup the abuse by issuing investigation and medical reports stating that the victims died of natural causes.

The overall failure of successive governments to prosecute and punish abusers is the single greatest obstacle to ending or even reducing the incidence of abuse. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues.

A presidential ordinance, promulgated in April 1995, which permits confessions or statements against third persons obtained during police interrogations in parts of the country declared to be "terrorist-affected areas" to be used in court, remains on the books. The law is currently not applied, because no part of the country has been declared a terrorist-affected area.

According to press reports, torture is common at Hyderabad Central Prison. In July three newspapers published photographs of prisoners inside the prison who were blindfolded and being held in cross-bar fetters. Prisoners who were awaiting trial claimed that they were kept in chains, fetters, and handcuffs, unable to move or sleep. The immediate reaction of the prison officials to the story was to file a lawsuit against the reporter. The reporter's case was taken up by the HRC, and the reporter was granted bail. At year's end hearings in the case had not taken place. The superintendent of Hyderabad prison has been suspended. In September the news magazine Herald published similar pictures and stories from prisoners.

Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registration of cases on false charges and may torture innocent citizens. For example, in July a 75-year old man, Muhammad Ali, was physically tortured and brutalized by a Gujranwala police subinspector. People pay police to humiliate their opponents and to avenge their personal grievances.

In July the Inspector General of Police Punjab (IGP) stated that political interference was the major factor affecting the performance of the police. He added that successive governments recruited police officers in violation of merit considerations and the department's regulations. In some instances, recruits had criminal records.

The Government's decision to appoint police officials at the direction of parliamentarians has greatly damaged police effectiveness. In response to political pressure, police officials sometimes follow orders of legislators to harass political opponents. In return the legislators shield illegal activities by police.

Addressing a seminar in the spring, President Leghari alleged that police stations are sold--meaning that police officials pay bribes to the politicians and senior officials in the department in order to get posted

to police stations of their choice. They then recoup their investments by extorting money from the citizenry.

The womens' police stations staffed by female personnel in Karachi, Lahore, Faisalabad, and Rawalpindi remained understaffed. Despite court orders and regulations requiring that female suspects only be interrogated by female police officers, they continued to be detained overnight at regular police stations and abused by male officers. According to HRCP's monthly report of incidents for January, a young woman was raped in a police station in front of her mother by police attempting to find the whereabouts of her son, and a wife was sexually and physically abused in front of her husband to force him to confess to a criminal charge. A female prisoner confined under the Haddood Ordinances was raped by the jail warden that same month. HRCP officials claim that the number of such incidents is increasing. According to human rights advocate Hina Jilani, the majority of women in jails were subjected to torture and sexual abuse by the jail staff. She claimed that 85 percent of women were tortured and 62 percent raped by prison officials in 1996. There is no independent confirmation of these claims. In 1995 the High Court ruled that no woman should be kept in any police station overnight without a male person from her family. According to human rights advocates, these High Court orders were rarely enforced in 1996.

The Haddood Ordinances, promulgated by the central Government in 1979, were an attempt to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Islamic law, or Shari'a, including death by stoning for unlawful sexual relations and amputation for some other crimes. In practice the standard of evidence for imposing these punishments is exceptionally high and to date they have not been carried out. Nonetheless, these laws have been applied to Muslims and non-Muslims alike and weigh most heavily on women (see Section 5).

Prison conditions are poor. Overcrowding is a problem. For example, according to the then provincial Law Minister, in August there were 41,605 prisoners in Punjab prisons which have space for only 17,271. There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. The use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better. The authorities reserve the latter for prominent persons. Especially prominent individuals, including some political figures, are sometimes held under house arrest and permitted to receive visitors.

The Government permits prison visits by human rights monitors.

There were reports that wealthy landlords or political parties operated private jails. Many such jails are believed to exist in tribal and feudal areas. Some of the prisoners have reportedly been held in them for many years.

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with its provisions. The law permits a Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew detention in 30-day periods, for a total of 90 days. For other criminal offenses, the police may hold a suspect for 24 hours without charge. If the police can provide material proof that detention is necessary for an investigation, a court may extend detention for a total of 15 days.

In practice, however, the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until they are challenged by a court. The police sometimes detain individuals arbitrarily without charge, or on false charges, in order to extort payment for their release. Some women continue to be arbitrarily detained and sexually abused (see Section 1.c.). Police also detain relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases trials do not start until about 6 months after the filing of charges.

The authorities generally permit family members and lawyers to visit inmates. However, in some cases, authorities refuse such visits. In the case of politicians and party workers charged with various offenses, the Government incarcerated some of them outside their home districts, thereby discouraging visits by family members, supporters, and attorneys.

The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain the fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with the local tradition. The Government exercised such authority in 1996. In one instance, in August the Government used this authority in the Khyber Agency following the kidnaping and murder of an income tax official.

Police may arrest individuals on the basis of a First Information Report (FIR) filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's are thus frequently used to harass or intimidate individuals. Charges against an individual may also be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police, who then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but another FIR is then activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in continuous custody.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 15 days. Such proof, however, may be little more than unsubstantiated assertions by the police. The Government sometimes uses mass arrests to quell civil unrest. For example, in June the Northwest Frontier provincial (NWFP) government arrested several leaders of the All Pakistan Clerk's Association in an effort to quell their almost year-long antigovernment protest.

The Government selectively used criminal charges and arrests to harass political opponents who were perceived as potential threats. In July police arrested four opposition leaders on different charges. Two of them, including General Secretary of the Metropolitan Muslim League Pervez Rashid, were arrested on charges of involvement in bomb explosions. They were later released on bail by the Lahore High Court when it became clear that there was no credible evidence to support police claims. Opposition leaders alleged that the Government had implicated these activists in false cases in order to discourage opposition activists from participating in antigovernment campaigns.

Political activists are sometimes arrested on trumped up criminal charges. It is possible that hundreds of people are incarcerated under these circumstances, though the exact number is unknown. MQM claims that 5,000 of its workers are held in prison on trumped up charges for what were, in reality, political activities. However, this number is impossible to confirm.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, however, in practice, the judiciary is not independent. Through the President's power to transfer High Court justices and appoint temporary and ad hoc justices, the executive branch has been able to influence the Supreme Court, the provincial high courts, and the lower levels of the judicial system.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for high-profile cases, as well as the federal Shari'a appeals courts for certain Haddood offenses. The appeals process in the civil system is: Civil court, district court, high court, and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, high court, and the Supreme Court.

It had become standard practice to appoint judges to the high courts and Supreme Court on a temporary basis for a period of 1 year and later confirm or terminate their appointments after an evaluation of their performance. Legal experts say that temporary judges, eager to be confirmed following their probationary period, tend to favor the Government. The permanent judges of the high courts who can serve until retirement--age 62--are also vulnerable to the executive in that they could be transferred to the Federal Shari'a Court (FSC), which is deemed by many to signal the end of their career. Judges in the Special Courts for Suppression of Terrorist Activities and banking tribunals are appointed directly the Government and are hired on renewable contracts. Their appointments can be terminated any time without going through the Supreme Judicial Council, which is applicable to the judges of the high courts and Supreme Court. However, executive branch power regarding some judicial appointments was restricted early in the year.

On March 20, a full bench of the Supreme Court of Pakistan (SC) issued orders curtailing the powers of the executive to appoint and transfer judges of the high courts. The SC made the consent of the chief justices of the high courts and Supreme Court mandatory in the appointment and transfer of any high court judge. It also ruled that it is not desirable to send a SC judge as acting Chief Justice (CJ) to a high court and that no ad hoc judge can be appointed to the SC when permanent vacancies exist. The full bench directed the executive to fill permanent vacancies of judges to the high courts and appoint permanent chief justices in high courts within 30 days of the issuance of the orders. Chief Justice of Pakistan Sajjad Ali Shah directed chief justices of all provincial high courts to process the cases of the judges affected by the Supreme Court's verdict within 30 days. The SC verdict was widely welcomed by the legal community, as well as by opposition political parties. Former Prime Minister Bhutto, on the floor of the house, criticized the judicial verdict, saying that the Chief Justice had issued the verdict in anger and accused him of amending the Constitution by exceeding his jurisdiction.

Despite its strong opposition to the ruling, the Government replaced ad hoc or acting chief justices of the high courts in Punjab, Sindh, and NWFP with those recommended by the Chief Justice of Pakistan. The new Chief Justices of Lahore and NWFP high courts recommended termination of 14 judges (11 from the Lahore High Court) who had been appointed in violation of the Constitution as interpreted by the SC in its March verdict. The Chief Justice of the LHC stopped referring cases to the affected judges. All affected judges have subsequently resigned. The LHC, entitled to have 50 judges, is now functioning with only 29 judges, which is causing delays in the judicial process. In September President Leghari approved 29 judges appointed by the PPP Government to the Sindh, Lahore, and Peshawar high courts and denotified (removed) 11. The 11 denotified were among the 17 justices not recommended by the Chief Justice following the March 20 ruling on appointments. The other six had already resigned after having their judicial work taken away. The effects of the SC ruling appeared quickly. In April a division bench of the LHC granted bail to Punjab opposition leader Shahbaz Sharif, whose appeals for bail hearings had been repeatedly delayed since his arrest in November 1995.

The civil judicial system provides for an open trial, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Owing to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, although defendants are required to make frequent court appearances. Under both the Haddood and standard criminal codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail and the accused in nonbailable offenses should be granted bail if accused of a crime that carries a sentence of less than 10 years.

The Federal Shari'a Court and the Shari'a Bench of the Supreme Court serve as appeals courts for certain convictions in criminal court under the Haddood Ordinances. The Federal Shari'a Court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a Bench of the Supreme Court.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Scores of positions in the lower magistracy remained unfilled. Persons in jail awaiting trial are sometimes held for periods longer than the sentence they would receive if convicted. An HRC team recently interviewed a prisoner in Dadu prison, Sindh, who had been in the jail for the last 9 years and had never been produced before a court. Arrested in a theft case, the prisoner's trial continued being adjourned due to the inability of the police to produce records. If convicted, he would have been sentenced to not more than 3 years' imprisonment.

The Government may refer cases involving terrorism, bombings, sabotage, highway robberies, banditry, kidnaping, or similar offenses to special terrorism courts established by the Suppression of Terrorist Activities Act of 1975. Many legal experts believe the special courts do not provide a fair trial. They maintain that the short time for investigations and trial procedures have effectively repudiated the presumption of innocence. They also cite the encroachment by federal authorities on the provincial governments' constitutional authority to administer justice and the inherent unfairness of parallel courts to which cases may be assigned arbitrarily. Moreover, the special courts may deny bail if the judges decide that the accused may have reasonably committed an offense. These courts had hundreds of cases pending in 1996. The court in Hyderabad alone had 380 cases pending at the beginning of the year.

Government officials and some attorneys maintain that despite their deficiencies, the special courts are necessary because of the judicial backlog. They also maintain that the rules of evidence apply in the courts, defendants have the right to counsel, and the judges must meet the same standards as those appointed to a high court. Defendants also have the right to appeal, but only one appeal is allowed.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money), with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. Consequently, wealthy or influential persons sometimes escape punishment for such crimes as murder and assault. The right to seek pardon or commutation is not available to defendants under the ordinance. The Haddood and Qisas and Diyat ordinances apply to both ordinary criminal courts and Shari'a courts. According to Christian activists, if a Muslim murders a non-Muslim, he can compensate for the crime by paying the victim's family diyat; however, if a non-Muslim murders a Muslim, he does not have the option of paying diyat and must serve a jail sentence or face the death penalty for his crime. However, there were no reported cases of this during the year. Appeals of certain Haddood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shari'a courts and are heard jointly by Islamic scholars and high court judges using ordinary criminal procedures. Cases referred to the Shari'a Bench of the Supreme Court are heard jointly by Islamic scholars and Supreme Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and be familiar with Islamic law. Within these limits, defendants in a Shari'a court are

entitled to the lawyer of their choice. There is a system of bail.

The Haddood Ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd (Koranic punishment) and others to Tazir (non-Koranic punishment) (see Section 1.c.). Although both types of cases are tried in ordinary criminal courts, special rules of evidence apply in Hadd cases. A non-Muslim, for example, may not testify against a Muslim but may testify against another non-Muslim. Likewise, the testimony of a woman is not admissible in cases involving harsher punishments (lashing, amputation, and stoning), and a woman's testimony regarding financial matters is not admissible unless corroborated by another woman.

There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates' decisions and have used various forms of pressure on magistrates, including the threat to transfer them to other assignments.

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to local governments, oversee such proceedings and may impose prison terms of up to 14 years. In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning. Paramilitary forces under the direction of the political agents frequently perform punitive actions during enforcement operations. For example in raids on criminal activities, the authorities have been known to damage surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity.

In July a full bench of the LHC declared the constitution of banking tribunals and Special Courts for Suppression of Terrorist Activities to be unconstitutional. The full bench observed that appointment of judges to these courts are made by the Federal Government in its sole discretion, in some cases of persons who were officeholders of the ruling party and in other cases of persons who may not be qualified to be appointed as a judge of the high court or a district judge. The LHC's decision was welcomed by the public, the legal community, and opposition political parties. The opposition had been alleging that the Government victimized it by referring opposition leaders' cases to the special tribunals and courts, which were headed by the PPP-affiliated judges. However, in response to a government appeal, the SC stayed action on the LHC's decision.

One example of the alleged victimization of opposition leaders through the special tribunals and courts is an August judgment of the banking tribunal, Lahore, which ordered the Ittefaq group (owned by opposition leader Nawaz Sharif's family) to immediately return 409 million rupees (approximately \$10,200,000) worth of loans to banks. The judgment was issued by the banking tribunal despite the fact that the defendants had moved an application in the LHC for transfer of the case to the LHC and that the LHC had stayed proceedings at the banking tribunal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law the police must obtain a warrant to search a house but do not need a warrant to search a person. However, the police often enter homes without a warrant and have been known to steal valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, policemen are seldom punished for illegal entry. Paramilitary forces sometimes damage homes as

extrajudicial punishment of residents for having tolerated nearby criminal activity (see Section 1.c.).

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities commonly resort to wiretapping and occasionally intercept and open mail. In his order dismissing former Prime Minister Bhutto, President Leghari accused the Government of massive illegal wiretapping, including the telephone conversations of judges, political party leaders, and military and civilian officials. On December 15, the caretaker government announced that effective immediately all foreign and domestic mail was to be subject to censorship by the Special Branch and the Intelligence Bureau.

Police arrest and detain relatives of wanted criminals in an attempt to compel suspects to surrender. In some cases, the authorities have detained whole families to force a relative who was the subject of an arrest warrant to surrender.

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and citizens are generally free to discuss public issues. There were increased efforts by the Government and private groups to restrict press freedom, but those efforts had little practical effect on press reporting. The Constitution stipulates the death penalty for anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution. The Constitution prohibits the ridicule of Islam, the armed forces, or the judiciary. Moreover, the Penal Code mandates the death sentence for anyone convicted of blaspheming the Prophet Mohammed (see Section 2.c.). Journalists censor themselves on such subjects. The competitive nature of Pakistani politics helps to ensure press freedom since the media serve as a forum for political parties to compete with one another.

The state-owned dailies Pakistan Times and Mashriq were sold to the private sector in 1996. The Ministry of Information controls one of the two main wire services, the other is privately owned. The wire services are circumspect in their coverage of the news and generally follow the Government line. A Print, Press, and Publications Ordinance requires the registration of printing presses and newspapers and allows the Government to confiscate newspapers or magazines deemed objectionable. Foreign books must pass government censors before being reprinted, although the importation of books is freely allowed. Government censors occasionally ban publications, usually for objectionable religious content, but for other reasons as well.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The Government continued to influence editorial policy of privately owned newspapers by its power to allocate duty free newsprint and its placement of government advertising, an important source of newspaper revenue.

The Government owns and operates most radio stations. Private radio stations operate in Islamabad, Rawalpindi, Lahore, and Karachi, but they are not allowed to report news independent of that supplied

by the government-run Associated Press of Pakistan (APP.) The Government also operates all but one semiprivate television station. It strictly controls their news broadcasts. However, the semiprivate Shalimar Television Network (STN) provides programs including Cable News Network (CNN) and British Broadcasting Corporation (BBC) programs, with considerable independence from government oversight. The Government censors segments of CNN and BBC programs considered socially offensive but rarely if ever censors the news content. The Ministry of Information monitors the advertisements on STN, editing or removing those deemed objectionable. Satellite dishes are readily available on the local market, and many Pakistanis use them to watch uncensored foreign broadcasts. Government-owned electronic media continued to convey the views of the party in power.

Literary and creative works remain generally free of censorship. Obscene literature, a category broadly defined by the Government is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are frequently broadcast on television.

In July a senior subeditor of the newspaper Dawn was abducted at night from outside his residence in Karachi. He later said publicly that he had been interrogated by personnel of a government security agency regarding the whereabouts of an alleged fugitive. He was released the next day.

Zafaryab Ahmad, a free-lance Lahore-based journalist was arrested in 1995 and charged with sedition after he reported on child labor. He was accused of working with Indian intelligence to damage Pakistan's carpet industry exports through false reporting. At year's end, he was out on bail and his case still pending in the courts.

The Law of Defamation often makes it difficult for the press to report events of great public importance. Similarly, the Law of Contempt bars public debate on matters of public importance under litigation on the grounds that it would influence the process of adjudication. A March judgment by the LHC in a defamation case met with widespread approval from journalists. The court observed that to prove defamation the complainant must demonstrate malice or personal ill will on the part of the press. The court also observed that since public men are public property, discussion or criticism of their public conduct is in the public interest.

According to the HRC, different law enforcement agencies and the Ministry of Information employed extralegal methods under various pretexts. These included: Harassment, attempts to influence photographers and reporters, interference in the distribution of publications, and delays and discrimination in the issuance of security passes to report on events of great public interest.

The press and electronic media continued facing nonstate pressure as well. Different political parties, ethnic, sectarian, and religious groups, and militant student bodies tried to influence the policies of the media through demonstrations and physical threats. The Government rarely if ever takes legal action in response to the activities of these groups.

In May activists of Jamaat-i-Islami (JI) attacked the Film Censor Board's office in Lahore, ransacked the office, and injured the staff. They demanded that the staff ban an Urdu feature film that they deemed obscene. The producer had to obtain a court order to continue showing the film publicly. In July activists of a Shi'a organization, Tehrik-I-Jafria Pakistan (TJP) demonstrated in front of an Urdu daily's office. JI and other religious groups' activists also demonstrated against Pakistan Television (PTV) for telecasting obscene programs and, on several occasions, threatened PTV officials.

The Government and universities generally respect academic freedom. However, the atmosphere of

violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT - student wing of the JI) frequently imposes its self-styled code of conduct for teachers and other students.

Human rights groups remain concerned about the implementation of a 1992 Supreme Court ruling that prohibits student political organizations on campuses. While they acknowledge that the ruling led to a reduction in campus violence, they question the legality of school officials expelling students for membership in a political organization.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order." Although the Government generally permits peaceful assembly, it occasionally interferes with large political rallies, which are held by all political parties.

The Constitution provides for freedom of association subject to restriction by government ordinance and law. There are no banned groups or parties. District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four people when demonstrations seemed likely to result in violence. This provision was invoked frequently in May during the Islamic month of Muharram, when tensions between Sunni and Shi'a Muslims traditionally peak.

The Government usually did not interfere with large political rallies. However, police killed three Jamaat-i-Islami protesters during a clash with antigovernment marchers in June. Opposition leader Nawaz Sharif and other opposition politicians traveled largely unhindered across the country throughout the year, holding large rallies critical of the Government. However, the authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed that the presence of such leaders would increase sectarian tensions or cause public violence.

In June police used batons and tear-gas and fired on JI demonstrators in Rawalpindi, killing 4 and injuring about 100. The demonstrators were trying to force their way through a maze of barbed wire to stage a sit-in in front of the Prime Minister's Secretariat against the "harsh tax-laden budget."

c. Freedom of Religion

Pakistan is an Islamic republic in which 96 percent of the people are Muslim. The Constitution requires that laws be consistent with Islam. The Government permits Muslims to convert to other faiths but prohibits proselytizing among Muslims. "Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religion. In practice, however, many non-Muslim students are compelled by teachers to complete the Islamiyyat studies.

Minority religious groups fear that the Shari'a Law and its goal of Islamizing the Government and society may further restrict the freedom to practice their religions. Discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed at

Ahmadis, Christians, Hindus, and Zikris.

A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe many Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code (PC), which prohibited an Ahmadi from calling himself a Muslim and banned Ahmadis from using Islamic terminology. The punishment is up to 3 years' imprisonment and a fine. Since that time, the Government has used this provision to harass Ahmadis.

In 1986 the Government inserted Section 295(c) into the Penal Code, which stipulates the death penalty for blaspheming the Prophet Mohammad. This has been used by litigants to threaten and intimidate Ahmadis, Christians, and even Muslims in the past. According to the HRCP, the Government's unofficial changes to the procedures for filing formal blasphemy charges, made in 1995, have been followed by a significant drop in the number of blasphemy charges. According to the HRCP, one FIR was registered against a Christian, Ayub Masih, under section 295(c) in 1996. No such charge was brought against a Muslim this year. However, three cases were filed under this section against Ahmadis. Under the new procedures, magistrates are now required to investigate allegations of blasphemy to see whether they are credible before filing formal charges.

In October in one well-publicized case, 14 (some say 19) Christian families fled the Punjab village Number 35 Eb Arfiwala following the arrest of one of their community for alleged blasphemy. The families allegedly feared attack by Muslim neighbors angered over the alleged incident. By December the families had not returned to their homes in the village.

Ahmadis continue to suffer from a variety of problems, including violation of their places of worship, barring them from burial in Muslim graveyards, denial of freedom of faith, speech and assembly, restrictions on their press, a social boycott, and alleged official support of extremist elements who act against the Ahmadi community. Several Ahmadi mosques remained closed. In 1996 dozens of Ahmadis were charged with preaching their faith, which is illegal under the law. According to the Amir of the Islamabad Ahmadi community, there are approximately 140 Ahmadis charged with representing themselves as Muslims, most of whom are presently out on bail. Scores of Ahmadis were injured in attacks by religious extremists.

The police at times refuse to prevent harassment and violence against Ahmadis or to prosecute those who commit such acts. In January a group of Khatm-e-Nabuwat Youth Force (Finality of Prophethood Youth Force) accompanied by police attacked the house of an Ahmadi in Abbottabad, NWFP, where Ahmadis were offering their Friday prayer. (Use of the house was necessary because activists of this militant organization had earlier demolished the Ahmadi mosque.) The mob dragged the Ahmadis out of the building and beat them in the presence of the police. The police refused to register a case against the attackers. An Urdu daily added to the tension by reporting that Ahmadis had attacked the Khatm-e-Nabuwat Vice President, which resulted in threats to Ahmadis living across the district. Under pressure by the mullahs, the district administration sealed the Ahmadi house that had been used as a place of worship, and charged seven Ahmadis under Section 298(c) of the PC.

In April an Ahmadi, Abdul Khaliq, was arrested in Faisalabad under Section 188 of the PC for tearing an anti-Ahmadi poster printed and displayed by local mullahs. He was later released on bail by the court. The outraged mullahs exploited the situation by holding public meetings. The authorities arrested 22 Ahmadis and 12 mullahs who were later released. The mullahs, however, succeeded in getting an elderly Ahmadi, Mohammad Iqbal, arrested under section 298(c).

In March two Ahmadi women were attacked in Karachi for reportedly using a piece of cloth with Koranic inscriptions. Both were seriously injured. Under pressure from the militant Sunni organization, Sunni Tehrik, police registered a case against the women under section 295(a) and 295(c) of the PPC. The sessions court released the women on bail, finding that the piece of cloth had no script on it.

In December demonstrations broke out in Karachi against the appointment of an Ahmadi to the caretaker Sindh government.

According to a press report, in January there were 658 cases under blasphemy and anti-Ahmadi laws pending in different courts across the country. Reportedly, 2,467 individuals either are on bail or in jail under blasphemy charges, awaiting a decision on their cases.

When such religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates, seeking to avoid a confrontation with the extremists, often continue trials indefinitely, and the accused is burdened with further legal costs and repeated court appearances. Lahore High Court Justice Arif Iqbal Hussain Bhatti, one of the two judges who in 1995 ruled to acquit accused Christian blasphemers Salamat and Rehmat Masih has received several death threats.

In May the Peshawar High Court acquitted on appeal two Shi'a Afghans condemned to death in January 1995 for blasphemy. The Afghans had been convicted of violating Penal Code Section 295(c) prohibiting the use of representations of the Prophet Mohammad after they allegedly attempted to have 10,000 copies made of a "photo print" of the Prophet. The High Court concluded that the prosecution had failed to substantiate the blasphemy charges.

In September, 20 persons were killed in an attack by gunmen on a Sunni mosque in the Punjab city of Multan.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens enjoy freedom of movement within the country and to travel abroad, but the Government occasionally prohibits the movement of persons within Pakistan through "externment orders" when it believes that their presence will lead to a threat to public order. Travel to Israel is legally prohibited. Government employees must obtain "no objection certificates" before traveling abroad. Students are also required to have these certificates from their institutions, however, this requirement is rarely enforced. Citizens have and regularly exercise the right to emigrate. Exit control lists (ECL), however, are used to prevent the departure of wanted criminals. The Government increasingly included businessmen, journalists, and political figures on the exit control list as a form of political harassment. No judicial action is required to add a name to the exit control list, and there is no judicial recourse or formal appeal mechanism if one's name is added. However, in some cases courts have directed the Government to lift restrictions on some ECL-listed politicians' travel abroad.

The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation fled across the border into Pakistan. There are currently over 865,000 Afghan refugees in Pakistan who have been granted first asylum. Between September and December, approximately 40,000 Afghans returned to Pakistan fleeing a resumption of fighting in Kabul. Initially the Government closed the border but soon after reopened it, allowing the refugees to enter Pakistan unhindered.

The Government has not legally granted permanent resettlement to Afghan refugees but allows them to live and work in Pakistan. Many are self-supporting and live outside of refugee camps.

According to the UNHCR, there were no reports of forced return of persons to a country where they feared persecution. Also according to the UNHCR, approximately 1.3 to 1.4 million registered and unregistered Afghan refugees remained in Pakistan at year's end. A total of 105,000 Afghan refugees were repatriated in the first 8 months of 1996. Since 1988 over 2.5 million Afghans have been repatriated from Pakistan.

Afghan refugees in Pakistan have limited access to legal protection and depend on the ability of the UNHCR and leaders of their groups to resolve disputes among themselves and with Pakistani society. Police also frequently prevent Afghan nationals from entering the cities. Most able-bodied male refugees have found at least intermittent employment but are not covered by labor laws. Women and girls obtained increasingly better education and health care as NGO's provided increased services.

The repatriation of Biharis continued to be a contentious issue. The Biharis are Urdu-speaking people from the Indian State of Bihar who went to East Pakistan--now Bangladesh--at the time of partition in 1947. Since 1971 when Bangladesh became independent, approximately 250,000 Biharis have been in refugee camps in Bangladesh. The repatriation of these people is tied to Pakistan's various ethnic problems. While the Mohajir community--descendants of Muslims who emigrated to present-day Pakistan from India during partition--supports repatriation, the Sindhi community opposes the move. In 1993 the Government flew 342 Biharis to Pakistan and placed them in temporary housing in central Punjab. No further repatriation occurred in 1996.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right and the ability to change their government peacefully. With certain exceptions, citizens 21 years of age and over have the right to vote. However, several million bonded laborers and nomads may not vote because the National Election Commission has ruled that they do not "ordinarily reside in an electoral area, nor do they own or possess a dwelling or immovable property in that area." Political parties have been allowed to operate freely since the full lifting of martial law in 1988. Unregistered political parties are permitted to participate in elections. Members of the national and provincial assemblies are directly elected.

The Constitution requires that the President and Prime Minister be Muslims. In February the federal Cabinet approved the Electoral Reforms Bill that, among other changes, abolished the requirement that a voter's identity card be presented during polling. The opposition parties called the electoral reforms a government ploy to rig elections, and the opposition party PML-N stressed that it would not take part in the elections under the new electoral reforms.

In July the Muslim Conference boycotted the elections of the constituent assembly of Azad Jammu and Kashmir for the Kashmiris living in Punjab. The Muslim Conference alleged that with the abolition of the identity card requirement, the PPP massively rigged the polls. They also alleged that the Government brought non-Kashmiris to the polling stations to cast bogus votes. These allegations appear to be valid.

Under the present system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Because of this, local parliamentary representatives have little incentive to promote their minority constituents' interests. The Electoral Reforms Bill would give religious minorities the right to vote for at-large candidates as well as local candidates (the so-called "double vote") but different Muslim religious groups and the main opposition party--the PML-N--

rejected the bill, alleging that it ignored the feelings of the Muslim majority. To date the bill has not been adopted by the Parliament. The Government claimed that the double vote right had been introduced in order to give minorities the leverage to influence their local members of the Parliament. The Government did not have the two-thirds majority necessary to pass the measure in the National Assembly.

In May the SC stayed further action on the new electoral rolls which were recently revised by the Election Commission of Pakistan. In their petition, opposition PML-N leaders alleged that the PPP Government had harassed election commission officials to enroll bogus voters and delete PML-N. A final decision in the case has not yet been made.

In June the Supreme Court restored the Punjab local government bodies that were dissolved in 1993 by the caretaker government based on charges of corruption. However, these local bodies were suspended a day later when the Punjab Assembly repealed the 1979 Local Government Ordinance under which the local bodies operated. The opposition alleged that the Government repealed the ordinance because the restored local bodies were dominated by PML-N members.

The more than 2 million Pashtun people living in the FATA do not vote for their National Assembly representatives and have no representation in the assembly of the Northwest Frontier province. In keeping with local traditions, FATA's National Assembly members are elected by tribal leaders, or maliks, who are appointed in the governor's name by the central Government's political agents. Many people living in this area have expressed dissatisfaction at having no vote. However, the majority of Pashtun people live outside the FATA and, while retaining their tribal identity, are fully integrated into politics and society. On December 15, the caretaker Government announced that all eligible voters in the tribal areas would be registered for the general elections. By year's end, over 370,000 persons, including almost 75,000 women, had registered to vote. However, rejecting the enrollment of female voters in the tribal areas, a grand jirga (council) of the Afridi tribe of the Khyber Agency unanimously decided on December 31 to impose a penalty of 1 million rupees and demolish the home of any woman who registers with the voters list.

Because of a longstanding territorial dispute with India, the political status of the northern areas--Hunza, Gilgit, and Baltistan--is not resolved. As a result, more than 1 million inhabitants of the northern areas are not covered under any constitution and have no representation in the federal legislature. The area is administered by an appointed civil servant. While there is an elected Northern Areas Council, this body serves in an advisory capacity to the Federal Government and has no authority to change laws or raise and spend revenue.

Although women participate in government, they are underrepresented in political life at all levels. Only 4 women--including the then-Prime Minister--held seats in the 217-member National Assembly that was dissolved in November. While women participate in large numbers in elections, some women are dissuaded from voting in elections by family, religious, and social customs in rural areas.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups are generally free to operate without government restriction. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious activists.

International human rights organizations have been permitted to visit Pakistan and travel freely. The Government has not always been responsive to foreign NGO's, however. The Government's Human Rights Cell established branch offices in Karachi, Lahore, and Peshawar. The Cell brought attention to the problem of spousal abuse by arranging visits by the then-Prime Minister to hospitalized abuse victims and began a television and radio campaign to educate the public on human rights issues.

The Government established a new Ministry of Human Rights in November 1995. The caretaker Government has merged the Ministry of Human Rights into the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. The former ministry did not accomplish much of note prior to and following the merger.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth. In practice, however, there is significant discrimination based on these factors.

Women

Domestic violence is a widespread and serious problem. The Ministry of Women's Development estimates that 80 percent of women are victims of domestic violence. The press continued to draw attention to murders of married women by relatives over dowry or other family related disputes. Most of the victims are burned to death, allegedly in kitchen stove accidents. The police rarely visit the scene of the crime or conduct investigations to determine how the woman was burned. Increased media coverage of cases of wife burnings, spousal abuse, spousal murder, and rape cases has helped to raise awareness about violence against women

While abusive spouses may be charged for assault, cases are rarely filed. Police usually return battered wives to their abusive husbands. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their husbands and male relatives. Relatives are also reluctant to report cases of abuse in order to protect the reputation of the family.

Rape is a widespread problem. However, it is estimated that less than one-third of all rapes are reported to the police. According to a police official, in a majority of rape cases the victims are pressured to drop rape charges because of the threat of Hadood adultery charges being brought against them. All consensual extramarital sexual relations are considered violations of the Hadood Ordinances. However, according to an HRCP lawyer, the Government has brought fewer charges against women under the Hadood Ordinances than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. Nevertheless, according to a July HRCP report, 90 per cent of the reported rape victims are in prisons because of their failure to present credible witnesses, in strict terms, as required under the Hadood Ordinances. In Hadood cases, a woman or non-Muslim witness is not accepted. This means that if a man rapes a woman in the presence of several women, he cannot be convicted under the Hadood Ordinances because female witnesses will not be accepted. Similarly, if a Muslim man rapes a Christian woman in the presence of several Christian men and women, he cannot be convicted under Hadood Ordinances because non-Muslim witnesses are not accepted.

Marital rape is not a crime. The 1979 Hadood Ordinances abolished punishment for raping one's wife. It is a common practice in Pakistan, that "nikah" (marriage registration) is performed whereas "rukhsati" (consummation of marriage) takes place some years later. The "nikah" (non-consummated)

marriage is also regarded as a formal marital relationship. In one such case, a 13-year-old girl, whose nikah had been performed but rukhsati had not taken place, decided to divorce her husband. The husband kidnaped the girl, raped her, and then released her. The police refused to register a rape case arguing that they were a married couple.

In 1996 there were scores of incidents involving violence against women. For example, in one period of 33 days (May 11 to June 13) 212 cases of violence against women were reported in the newspapers. Sixty-one women were killed by husbands, in-laws, relatives, or criminals. Forty-six women were burned, most of them seriously. Relatives often claimed that they were preparing food when their clothes accidentally caught fire. Of the 46 women who were burned, 9 were burned to death by their husbands and in-laws for domestic reasons. Most human rights monitors believe that the "stove deaths" are in fact murders based upon a suspicion of illicit sexual relationship or on dowry demands.

During this same period from May to June, 67 women were reported kidnaped, and most of them are still missing. Twenty-eight women, including some young girls, were reported to have been gang-raped, and several subsequently died from shock or torture. There were several press reports of in-laws burning daughters-in-law with boiling water or oil, acid, or fire. In some incidents, parents killed daughters to prevent love marriages. In one incident, a man disfigured a woman by throwing acid on her face because she had refused to marry him. A woman was badly beaten by her husband because she insisted on working. In few of these types of cases do the police or courts become involved, and it is rare for the perpetrator of domestic rape or murder to be convicted. There were several reports in 1996 of parents arranging marriages for their daughters with elderly men for financial gain. Reports of feudal landlords raping peasant women in the rural areas continued to appear in the press in 1996.

There are an increasing number of reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously. Scores of men and women from Baluchistan and rural areas of Sindh and Punjab provinces are killed annually for alleged illicit sexual relations. While the tradition of such killing applies equally to offending men and women, women are more likely to be killed than men.

There are significant barriers to the advancement of women, beginning at birth. In general female children are less valued and cared for than male children. According to a United Nations study, girls receive less nourishment, health care, and education than boys. According to the Government, only 23.5 percent of females over 10 years of age are literate, compared with 48.9 percent of males; the level of literacy among females is declining. Discrimination against women is particularly acute in rural areas.

Human rights monitors and women's groups believe that the Shari'a Law has had a harmful effect on the rights of women and minorities, reinforcing popular attitudes and perceptions, and contributing to an atmosphere in which discriminatory treatment of women and non-Muslims is more readily accepted.

Both civil and religious laws protect women's rights in cases of divorce, but, as in the case of inheritance laws, many women are unaware of them, and often the laws are not observed. In inheritance cases women generally do not receive--or are pressed to surrender--their due share of the inheritance. In rural areas, the practice of a woman "marrying the Koran" is still widely accepted if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males over 14 years of age, including her immediate family members. The Government's Council of Islamic Ideology (CII) condemned the practice as un-Islamic, but the CII ruling is not legally binding. Press reports indicate that the practice of buying and selling brides still takes place in parts of NWFP and the Punjab. In September a Lahore High Court judge ruled that a woman's marriage without the consent of her parents or guardian is invalid. The judge further ruled that children born of such an invalid marriage are to be considered illegitimate, and that widows

and divorcees also are forbidden to marry without the consent of their parents or guardians.

In 1992 the Supreme Court observed that under Islamic law, a husband is not required to give written notice of a divorce to a local union council. The husband's statement, with or without witnesses, is the defining legal step. The woman, lacking written proof of divorce, remains legally and socially vulnerable. Human rights organizations expressed concern that a woman could be charged with adultery if her former spouse were to deny having divorced her. However, the Court's opinion was never implemented.

There are also limits on the admissibility and value of women's testimony in court (see Section 1.e.).

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

According to an independent observer, the Government through 1996 had trained and deployed over 40,000 female rural health workers. The Government plans to train another 10,000 in 1997 with the goal of having a total of 100,000 by 1998. The Government also produced television documentaries on women in development. Although a small number of women study and teach in universities, postgraduate employment opportunities remain largely limited to teaching, medical services, and the law. Nevertheless, an increasing number of women are entering the commercial and public sectors. In the urban areas of the Punjab, more and more parents send their daughters to schools.

Children

There is no federal law on compulsory education, and neither the federal or provincial governments provide sufficient resources to assure universal education. Government provision of health care is somewhat better--especially with the program deploying rural health workers--but health care services in most areas remain seriously inadequate. Many children begin working at a very early age. At the age of 5 or 6, female children are often responsible for younger siblings. Children are sometimes kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). Child prostitution involving boys and girls is widely known to exist but is rarely discussed. The Government does little to deter it.

Legal rights for children are theoretically protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. Federal law allows, but does not require, offenders under the age of 14 to be placed in reform schools; however, no such facilities exist. There is only one jail in each province for convicted prisoners under the age of 21. A 1995 HRC report estimated that there were more than a thousand children in various jails nationwide. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults are essentially treated equally. Very young children accompany their convicted mothers to jail.

Incidents of kidnaping, rape, and murder of minor teenage children are on the rise. In January two girls in Faisalabad, both 4th grade students, were kidnaped and killed. The culprit was immediately arrested and sentenced to death by a special court. In such incidents against children, the courts appear to be far more active than in cases of domestic violence.

According to press reports, there are several madrassahs (religious schools) in southern Punjab where children are illegally confined and kept in unhealthy conditions. In March Multan district police raided

such a madrassah where 22 children, 8 to 14 years of age, were kept chained by the superintendent of the madrassah. According to the assistant commissioner, the children were chained round the clock, and some of them had been chained for over 1 year. Following the police raid, there was no reported judicial action taken against officials of the madrassah.

People with Disabilities

There are no laws requiring equal accessibility to public buildings for disabled persons. The Human Rights Cell has requested all city administrations to incorporate facilities for the disabled--including wheelchair access ramps and elevators--in local building codes.

Religious Minorities

Government authorities afford religious minorities less legal protection than is afforded to Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge those who commit them. Ahmadis are often targets of violence, often instigated by local religious leaders

A Sunni Muslim shopkeeper stabbed and seriously wounded an Ahmadi teacher in Khushab. According to Ahmadi sources, the attack was instigated by the anti-Ahmadi speech of a local mullah. A case could not be registered against the culprit because the hospital refused to issue a report of attempted murder.

In May about 300 religious extremists demolished an Ahmadi place of worship in Dulmial. When the district administration barred them from occupying the mosque, furious mullahs forced Ahmadi shopkeepers to evacuate properties owned by non-Ahmadis, boycotted businesses owned by Ahmadis, forced parents to withdraw their children from a school owned by an Ahmadi, and filed false cases against several Ahmadis.

Human rights activist and lawyer Asma Jehangir, who represents minorities in cases involving religious persecution, remained the target of religious extremists' criticism. She is accused by extremists of being "an infidel" and "a foreign agent." Following an attack on her family last year, widely assumed to have been carried out by religious extremists, Jehangir now is accompanied by an armed guard.

In April the district Sessions Court of Lahore acquitted three persons accused of murdering an alleged Christian blasphemer, Manzoor Masih. Masih was killed allegedly by religious extremists in April 1994. The court refused to accept written evidence of two eyewitnesses, Salamat and Rehmat Masih (accused along with the deceased in the 1995 blasphemy case) who fled to Germany following their acquittal.

Due largely to the efforts of the Milli Yakjehti Council (MYC - Alliance of Religious/Sectarian Groups to Develop Tolerance and Harmony) and strict measures taken by the Punjab government, in 1996 there were no bombings or attacks on Shi'a or Sunni places of worship. However, tension between the Sunni extremist organization Sipah-i-Sahaba Pakistan (SSP), and the Shi'a organizations Tehrik-i-Jafria Pakistan (TJP) and Sipah-i-Muhammad Pakistan (SMP) erupted in mid-year with a rash of sectarian-motivated killings. Those murdered included the Commissioner of Sargodha division, an excise and taxation officer, a renowned poet, and the spokesman of the extremist Shi'a organization SMP. Government officials have publicly blamed the SSP and the SMP for these murders.

According to a press report, from January 1 to August 19, 52 people were killed and 100 injured in 53 sectarian-motivated incidents across the country. In 2 weeks of August alone, 25 people were killed. On August 14, 11 people were killed when an Independence Day rally in Karachi, organized by the Sunni

militant organization SSP, was attacked by unknown gunmen. Also in August, armed persons fired on a Shi'a religious gathering in Vehari district, killing 14 persons.

Religious minority groups also experience considerable discrimination in employment and education; the laws facilitate discrimination in employment based on religion. In Pakistan's early years, minorities were able to rise to the senior ranks of the military and civil service. Today, many are unable to rise above mid level ranks. Because of the lack of educational opportunities for some religious minority groups, discrimination in employment is believed to be increasingly prevalent. There are also restrictions on testimony in court by non-Muslims (see Section 1.e.).

Christians in particular have difficulty finding jobs other than those of menial labor. Many Christians continue to express the fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. Christians are among the least educated citizens. According to one Christian rights advocate, only 8 percent of Christian males and 6 percent of Christian females are literate.

Ahmadis suffer from harassment (see Section 2.c.) and discrimination and have limited chances for advancement into management levels in government service. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Young Ahmadis and their parents complain of increasing difficulty in gaining admittance to good colleges, forcing many children to go abroad for higher education.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Ordinance of 1969 (IRO) enunciates the right of industrial workers to form trade unions but is subject to major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESA) covers sectors associated with "the administration of the State," i.e., government services and state enterprises, such as oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. In response to international criticism, the Government took steps in 1995 to limit application of the ESA. In addition in 1996 the Cabinet decided to withdraw the exemption of the export promotion zones (EPZ's) from the IRO's provisions granting the right to workers to form trade unions.

Union members make up only about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers willing to work on temporary contracts. These workers receive fewer benefits and have no job security. There is no provision in the law granting the right of association to agricultural workers.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice to the national interest. The Government may also ban a strike that has continued for 30 days.

Strikes are rare. When they occur, they are usually illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution

against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes.

Unions may belong to federations, and there are seven major federations in Pakistan. The Government permits trade unions all across the political spectrum. While many unions remain aloof from party politics, the most powerful are those associated with political parties. After the PPP came to power in 1988, it successfully organized trade unions under the banner of the People's Labor Bureau (PLB). The PLB's main competitors are the Jamaat-i-Islami's National Labor Federation and the MQM-backed labor unions.

The International Labor Organization (ILO) has stated that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity in respect to teachers, radio, television, railway, forestry, hospital, and other government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of the Industrial Relations Ordinance and stated that nonapplication of labor laws in proposed new "special industrial zones" would be a violation of Convention 111. In response to a Government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the world body's conventions. In 1994 a government task force on labor prepared a report recommending improvements on worker rights problems, which were the basis for the development of a new labor policy by the Government. As of year's end, the Government had not yet approved the new labor policy.

Federations are free to affiliate with international federations and confederations.

b. The Right to Organize and Bargain Collectively

The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. If found guilty of antiunion discrimination, employers are required to reinstate workers fired for union activities.

In general legally constituted unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force, e.g., agricultural workers, who are not guaranteed the right to strike, bargain collectively, or make demands on employers.

The ESA also restricts collective bargaining. For each industry subject to the ESA, the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

These boards are established at the provincial level and are comprised of representatives from industry, labor, and the provincial Labor Ministry, which provides the chairman. The chairman may name additional industry and labor representatives to the board. Despite the presence of the labor representatives, unions are generally dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit may also be curtailed under the ESA. Dismissed workers have no recourse to the labor courts.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced labor. However, critics argue that the ESA's limitation on

some worker rights constitutes a form of compulsory labor. The Government informed the ILO's Committee on the Application of Standards in 1990 that amendments were under consideration to the problem. However, the Government has taken no further action.

Illegal bonded labor is widespread. Bonded labor is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. Conservative estimates put the figure of bonded workers at several million.

According to press reports, in the remote areas of rural Sindh, reports of bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and families have been sold by one landlord to another. Press and other sources report that raids by government officials and human rights activists this year liberated a few of the bonded laborers.

In January a raid led by government human rights officials freed about 30 bonded laborers from three different private jails run by local landlords. According to government officials, the freed laborers were taken to safe places with relatives, but other prisoners in the same jails had been raped or killed, and the landlords fled.

In April, 140 bonded laborers were freed from two different landlords in rural Sindh in a raid conducted by the police and the HRCF. A few of the laborers had been held in bondage for as long as 25 years. The police allegedly acted only after urging by the HRCF, which had gathered videotaped evidence of the abuses.

The Bonded Labor System (Abolition) Act adopted in 1992, outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Hence, the law is largely ineffective. Lacking employment alternatives, many workers have voluntarily returned to bonded labor.

Children are sometimes kidnaped to be used as forced labor.

d. Minimum Age for Employment of Children

Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The current estimate of working children is between 8 and 10 million. In response to international criticism, however, the Government has begun to push provincial authorities to enforce child labor laws. In the first 6 months of 1996, according to the Labor Minister, 7,003 raids on businesses suspected of violating child labor laws had been made, resulting in 2,538 prosecutions and 395 convictions. Fines have ranged from \$10 to \$117. There have been no reported jail terms. Private sector exporters and nongovernmental organizations, supported by the Government, are creating an independent child labor welfare organization to oversee implementation of a child labor free certification system as well as education and welfare programs for working children. The Government is offering financial support and nationally known human rights activists have agreed to sit on the proposed board.

While much child labor is in the traditional framework of family farming or small business, the employment of children in large industries and, according to labor activists, in state-sponsored training programs, is also widespread. Child labor is widely employed in the carpet industry, much of which is family run. Children have also been employed in other export industries, such as textiles, leather tanning, surgical instruments, and sporting goods, though the extent is unclear. Children are sometimes

kidnaped to be used as forced labor (see Section 6.c.). The Government is establishing a pilot program of 24 rehabilitation centers for former child laborers in cooperation with the ILO's International Program for the Elimination of Child Labor (IPEC). Twelve of these centers are currently operating. About 1,400 children are involved with the centers. UNICEF is working with the National Commission for Child Welfare and Development and the Labor Ministry to establish a child labor community awareness media program. Soccer ball manufacturers are working with major foreign sporting goods companies to eliminate child labor from their products. One firm in Sialkot has formed a partnership with a foreign company to make child-labor-free soccer balls at village centers. Another Sialkot firm is building a plant in collaboration with a foreign partner with a program of schooling for workers' families.

e. Acceptable Conditions of Work

Labor regulations are governed by federal statutes applicable throughout the country. The minimum wage is approximately \$47 (1,650 rupees) per month. Although this wage provides a meager subsistence living for a small family, the minimum wage affects only a small part of the work force, and most families are large.

The law, applicable nationally, provides for a maximum workweek of 54 hours, rest periods during the workday, and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and to the small contract groups, which are subdivisions within factories of 10 or fewer workers. Many workers are unaware of the regulations protecting their rights because of their lack of education.

The provinces have been ineffective in enforcing labor regulations, because of limited resources, corruption, and inadequate regulatory structures. In general, health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and weakly enforces existing legal protection. Workers cannot remove themselves from dangerous work conditions without risking loss of employment.

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