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## Pakistan

### Country Reports on Human Rights Practices - [2005](#)

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Pakistan is a federal republic with a population of approximately 163 million. The head of state is President and Chief of Army Staff Pervez Musharraf who assumed power after overthrowing the civilian government in 1999. The head of government is Prime Minister Shaukat Aziz, whom the national assembly elected over opposition parties' objections in 2004. Domestic and international observers found the 2002 national assembly elections, the most recent national elections, deeply flawed. The civilian authorities maintained control of the security forces; however, there were instances when local police acted independently of government authority.

The government's human rights record was poor, and serious problems remained. The following human rights problems were reported:

- restrictions on citizens' right to change their government
- extrajudicial killings, torture, and rape
- poor prison conditions, arbitrary arrest, and lengthy pretrial detention
- violations of due process and privacy rights
- lack of judicial independence
- harassment, intimidation, and arrest of journalists
- limits on freedom of association, religion, and movement
- imprisonment of political leaders
- corruption
- legal and societal discrimination against women
- child abuse
- trafficking in women and children, and child prostitution
- discrimination against persons with disabilities
- indentured, bonded, and child labor
- restriction of worker rights

The government took significant steps to combat trafficking in persons. Its Anti-Trafficking Unit (ATU) was fully functional and resulted in increased arrests and prosecutions of human traffickers. Cooperative efforts between the military, ATU, and international organizations prevented any increase in human trafficking resulting from the October 8 earthquake. Training efforts within the security forces greatly improved treatment of trafficking victims.

### RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

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

Police said that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press said that many of these deaths were staged. For example, on January 25, Abu Bakar Panwhar died in police custody at the police station in Mirpurkhas, Sindh, after being detained on theft charges. Following protests by the Sindh People's Students Federation and the Pakistan People's Party Parliamentarians (PPPP), the police filed murder charges against officer Mohammad Rafiq Siyal, senior inspector Khamiso Khan, assistant senior inspector Ghulam Shabbir Dasti, and police constable Mohammad Aslam. An investigation continued at year's end.

On March 5, Samiullah Kalhoro, the vice chairman of the *Jeay Sindh Muttahida Mahaz*, died after sustaining serious injuries from torture he received while in police custody in Hala. Police maintained Kalhoro was never detained. There was no investigation at year's end.

On April 25, Sufi Muhammad Aslam died in police custody after being arrested in connection with a murder case in which Aslam was

guarantor of the suspect's bail at his shop in Lakhodare village on the outskirts of Lahore. According to Aslam's son, when Aslam demanded to see the arrest warrant, police beat him. Aslam lost consciousness en route to the police station and was taken to Ali Medical Center and later to Shalimar hospital, where police claimed Ali died of natural causes. Despite protests from relatives, they brought no charges against police.

On May 20, police in Madni Bahauddin, Punjab, arrested local Islamic cleric Naeem Mehmood Qadri. The following day police informed his family that a truck crushed and killed Qadri; however, following a September 8th court-ordered exhumation of his body, authorities confirmed that Qadri was beaten. At year's end, a judge charged the five police constables with murder.

On September 26, Ghulam Raza died in police custody at the Thari Mirwah police station after being detained by police in Khairpur, Punjab. Police detained Raza on charges of stealing a motorcycle, but they failed to file proper arrest documents. While the police claimed Raza committed suicide, relatives asserted that police killed Raza. At year's end authorities arrested assistant senior inspector Ghulam Abdul Ghafoor in connection with the case.

A government inquiry into the 2004 deaths of three Pakistan People's Party (PPP) workers in Attock concluded that there was no evidence of police or district government involvement.

There were no developments in the 2004 death-in-custody cases of Nazakat Khan and Syed Qutbuddin Shah or the 2004 killing of Tabassum Javed Kalyar.

The government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity.

Continued clashes between security forces and terrorists in the Federally Administered Tribal Areas (FATA) resulted in nine civilian deaths during the year.

On March 17, in Dera Bugti, Balochistan, Frontier Corps personnel shelled the militant leader Nawab Akbar Khan Bugti's residential compound, killing 67 civilians and wounding 55.

On December 31, in Pikal, Balochistan, security forces killed 10 and injured 43 civilians during a helicopter assault on militants linked with Nawab Akbar Khan Bugti. Related security force shelling of militant positions in the town of Dera Bugti, Balochistan, on December 30 and 31 resulted in 38 injured civilians. Baloch nationalists claimed that a security force assault on militants linked to Nawab Khai Bax Marri in Kohlu District also resulted in civilian deaths and injuries, but no figures were available.

There were reports of politically motivated killings perpetrated by political factions. During local elections held on August 18 and 25, arguments between competing candidate groups resulted in violent confrontations at polling places nationwide, leaving at least 55 dead and hundreds injured (see section 3).

Politically motivated killings occurred during the year. For example, on January 2, unknown assailants killed former parliamentarian Syed Manzoor Hussain Shah and his three aides in an ambush on the Grand Trunk Road near Theekarian Morr in Punjab. Police blamed a long standing feud with political rivals. On January 7, unknown assailants on a motorcycle in Karachi killed Baloch nationalist leader Anwar Bhajjan. On March 20, unknown assailants shot and killed Ahsan Aziz, a Pakistan Muslim League (PML) activist, in a Karachi park. On April 11, in Karachi, unknown motorcycle gunmen killed Shorab Goth, a Muttahida Quami Movement (MQM) activist.

Attacks on houses of worship and religious gatherings linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of nearly 75 persons (see section 2.c.). On March 19, a bomb explosion in Jhal Magsi district at the shrine to Pir Syed Rakheel Shah during Shi'a and Brailvi ceremonies commemorating the saint's death killed more than 40 persons and wounded more than 100. The government blamed the attack on the terrorist group Lashkar-e-Janghvi. On May 27, a suicide bomber attacked the Bari Imam Shrine outside Islamabad during Shi'a and Brailvi ceremonies, killing 20 and wounding over 100 on the anniversary of the saint's death. On May 30, a suicide bomber and 3 armed accomplices, allegedly affiliated with Lashkar-e-Janghvi, attacked a Shi'a mosque in Karachi, killing 5 and injuring at least 30. Prompted by the mosque attack, rioters took to the streets in Karachi. The mob killed six persons when they burned a Kentucky Fried Chicken restaurant. On September 22, members of Lashkar-e-Jangvi detonated 2 simultaneous bombs in Lahore that killed 6 persons and wounded 26 others.

On June 4, a Karachi antiterrorism court convicted Gul Hasan of murder and sentenced him to death for the May suicide bombing of a Shi'a mosque. There were no developments in any of the cases of 2004 attacks on houses of worship.

Religious extremist organizations killed and attempted to kill government officials and Islamic religious figures from opposing sects (see section 2.c.).

The trial of members of the Jandullah group implicated in attacks on foreigners and government officials in 2004 continued at year's end. There were no developments in the other 2004 cases of murder of government officials and religious figures or terrorist attacks on foreign targets.

Foreign terrorists and their local tribal allies attacked and killed military personnel, government officials, and progovernment tribal chiefs in the FATA. For example, on January 22, unidentified gunmen shot and killed Mohammad Ibrahim Khan Mehsud, senior vice president of the tribal peace committee in Makeen, South Waziristan, at his home in Tauda Cheena. On May 29, militants killed former federal minister and

progovernment tribal leader Faridullah Khan, his cousin, and a bodyguard after attacking his vehicle in South Waziristan. On July 22, unidentified gunmen shot and killed Mir Zalam Khan, the progovernment chief of the Ahmadzai Wazir tribe, after attacking his vehicle in Wana, South Waziristan. His two brothers and a nephew also died in the attack.

Honor killings continued to be a problem, with women as the principal victims. Local human rights organizations documented 1,211 cases during the year, and many more likely went unreported (see section 5).

January 18 shelling across the line of control in Kashmir, the country's border with India, did not result in any casualties.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, police and security forces held prisoners incommunicado and refused to provide information on their whereabouts, particularly in terrorism and national security cases. For example, on June 4, intelligence agencies in Swat allegedly detained sisters Arifa Baloch and Saba Baloch on suspicion of receiving terrorist training from their uncle Gul Hasan, a member of Lashkar-e-Janghvi. On August 22, the Interior Ministry denied any knowledge of their whereabouts to the Peshawar High Court; however, on September 20, Gul Hamdana, the sisters' relative who had been missing for three months reappeared, claiming that intelligence agencies held her incommunicado in the same location as the sisters, who remained under detention. In January security agencies released a Dutch national detained at Lahore University in 2004. There was no new information available on a British national who disappeared at the same time as the Dutch national.

The PPP claimed that in Sindh members of the ruling PML kidnapped candidates of the PPP-supported Awam Dost panel to prevent them from filing nomination papers for local elections. For example in Chachro, Tharparkar District, PML supporters allegedly kidnapped Moto Meghwar and Gyan Chand Meghwar, Awam Dost candidates for mayor and deputy mayor of Union Council Sarangiar along with their supporters. The PML denied that such kidnappings occurred, and the Election Commission of Pakistan (ECP) claimed that its investigation yielded no evidence to support such charges. International observers, however, found that the charges likely were credible.

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

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

Security force personnel continued to torture persons in custody throughout the country. Human rights organizations reported that methods included beating; burning with cigarettes, whipping the soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women and children during interrogations. The nongovernmental organization (NGO) Lawyers for Human Rights and Legal Aid recorded 1,356 cases of torture during the year. Torture occasionally resulted in death or serious injury (see section 1.a.). In April Shabbir Hussain, Zafar Abass, and Muhammad Sadiq claimed that police detained and tortured them on false charges of theft. During their detention in Hafizabad, Punjab, police allegedly beat them in front of their accuser, forced them to drink their own urine and eat mud, and hung them upside down. The Lahore High Court ordered the police to register cases against the officer involved.

On June 23, police in Vehari severely beat and stitched together the lips of prisoner Mohammad Hussain after he argued with a police officer. At year's end authorities suspended seven policemen for their involvement.

The United Nation's implicated Pakistani peacekeepers assigned to the United Nations Mission in the Congo (MONUC) in the organization's sexual abuse scandal. The government took steps to investigate and punish those reportedly involved. In March Human Rights Watch (HRW) reported that in August 2004 domestic and foreign security forces secretly abducted and subsequently tortured two foreign nationals, brothers Zain Afzal and Kashan Afzal, to extract confessions of involvement in terrorist activities. HRW reported that authorities released the brothers on April 22 without charge.

There were no developments in any 2004 cases.

The Hudood Ordinances provide for harsh Koranic punishments for violations of *Shari'a* (Islamic law), including death by stoning and amputation. Authorities did not use such punishments during the year, as they required a high standard of evidence.

#### Prison and Detention Center Conditions

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

Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Foreign prisoners often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home country.

Authorities routinely shackled prisoners. The shackles were tight, heavy, and painful, and reportedly led to gangrene and amputation in several cases.

Police held female detainees and prisoners separately from male detainees and prisoners. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population (see section 5).

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

Authorities established special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations. According to women's rights NGOs, there were approximately 3,389 women in jail nationwide at year's end.

The Supreme Court indefinitely suspended a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for juveniles that provides numerous protections for juvenile offenders not found in the normal penal code. Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that 3,430 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions.

Landlords in Sindh and tribes in rural areas operated illegal private jails.

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

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law.

#### Role of the Police and Security Apparatus

Police have primary internal security responsibilities. Under the Police Order (Second Amendment) Ordinance promulgated on July 23, control of the police falls under elected local district chief executives known as *nazims*. Paramilitary forces such as the Rangers, the Frontier Corps and the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control the paramilitary forces when they assist in law and order operations. During some religious holidays, the government deployed the regular army in sensitive areas to help maintain public order.

Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officer, district nazim, provincial interior or chief ministers, federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution. Police failed in some instances to protect members of religious minorities--particularly Christians, Ahmadis, and Shi'as--from societal attacks (see sections 2.c. and 5).

Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and avenge their personal grievances. Corruption was most prominent amongst station house officers (SHO), some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

The government initiated regular training and retraining of police at all levels, both in technical skills and human rights. President Musharraf reissued and amended the 2002 Police Order on July 23, which transfers oversight responsibility of police from provinces to districts and establishes the district-level chief executive as principal supervisor. The order also calls for the immediate establishment of local oversight bodies that have been stalled since 2002. The government argued that these reforms would make police more responsive to the local community. Opponents charged that they would politicize the police force.

#### Arrest and Detention

A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention. FIRs were frequently issued without supporting evidence as part of harassment or intimidation. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them.

Incommunicado detention occurred (see section 1.c.). When asked, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14-day period provided in the law through the issuance of new FIRs. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and were sexually abused (see sections 1.c. and 5). Police also detained relatives of wanted criminals to compel suspects to surrender (see section 1.f.). Courts appointed attorneys for indigents only in capital cases. In some cases persons had to pay bribes to see a prisoner. Foreign diplomats could meet with prisoners when they appear in court and may meet with citizens of their countries in prison visits. Local human rights activists reported few restrictions to their access to prisons.

The district coordinating officer may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners were held in preventive detention for up to 6 months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held in preventive detention indefinitely. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely, provided judicial concurrence is granted every 15 days (see section 1.e.).

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there were bailable and non-bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non-bailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until six months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that 45 to 50 percent of the prison population was awaiting trial.

As in previous years the government used preventive detention, mass arrests, and excessive force to quell or prevent protests, political rallies, or civil unrest (see section 2.b.).

Several dozen Mohajir Quami Movement-Haqiqi (MQM-H) activists, arrested between 1999 and 2003, remained in custody at year's end, some without charge.

According to human rights monitors, 33 percent of the female prison population was awaiting trial on adultery related offenses under the Hudood Ordinances. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied.

Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. Antiterrorist courts do not grant bail if the court has reasonable grounds to believe that the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges.

On June 9, the government assigned a security detail to Mukhtiar Mai (aka Mukhtaran Bibi), at her request. Ms. Mukhtiar was concerned for her safety following the court ordered release of five men convicted in her 2002 gang rape that a village council had ordered because of an alleged infraction committed by her brother. Human rights groups claimed that when the government learned Ms. Mukhtiar wished to travel abroad to speak publicly of her experience, the protection detail controlled her movements and communication, such that she was under virtual house arrest. Ms. Mukhtiar was temporarily placed on the Exit Control List (ECL), which barred her from leaving the country. By year's end the government removed her name from the ECL, allowing travel outside of the country (see sections 1.e., 1.f., 2.a., 2.d., and 5).

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the government's control over the court system. Unfulfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. In nonpolitical cases, the high courts and Supreme Court were generally considered credible.

There are several court systems with overlapping and sometimes competing jurisdictions: criminal, civil and personal status, terrorism, commercial, family; and military.

#### Trial Procedures

The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes.

The Anti-Terrorist Act allows the government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts are to be decided within seven working days, but judges are free to extend the period as required. Under normal procedures, the high and supreme courts hear appeals from these courts. Human rights activists have criticized this expedited parallel system, charging it is more vulnerable to political manipulation.

Special accountability courts try corruption cases (see section 1.d.), including defaults on government loans by wealthy debtors, brought by

the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt.

Despite government claims that NAB cases pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see section 1.d.). The NAB prosecuted no serving members of the military or judiciary.

At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see section 5), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see sections 1.c. and 5). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments.

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

The law allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (*diyyat*) or physical restitution (*qisas*). While *diyyat* was invoked, particularly in the North West Frontier Province (NWFP) and in honor cases in Sindh, *qisas* have never been used.

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

Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs--either real or perceived--to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence (see section 5). At year's end the Supreme Court was in the process of hearing an appeal of the death sentence imposed on five suspects in the 2002 gang rape of Mukhtiar Bibi in Meerwalla (see section 5).

#### Political Prisoners

Some political groups claimed their members were marked for arrest based on their political affiliation (see sections 1.c. and 1.d.). Pakistan Muslim League – Nawaz (PML-N) leader Javed Hashmi remained in jail, having been convicted on sedition charges in 2004. Appeals were ongoing at year's end.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law requires court-issued search warrants for property but not persons, in most cases; however, police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases being pursued under the Anti-Terrorist Act, security forces were allowed to search and seize property related to the case without a warrant.

The government maintained several domestic intelligence services that monitored politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Despite a supreme court order, credible reports indicated that the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval.

In accordance with the Anti-Terrorist Act, the government banned the activities of and membership in several religious extremist and terrorist groups. However, many of the groups that the government banned still remained active.

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

In some cases, authorities detained relatives to force a family member who was the recipient of an arrest warrant to surrender (see section 1.d.).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, journalists were intimidated and others practiced self-censorship.

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP), which is the official carrier of government and international news to the local media. The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely.

Newspapers were free to criticize the government, and most did. Condemnation of government policies and harsh criticism of political leaders and military operations were common. However, the government engaged in retribution against some papers critical of it or its policies. On May 21, the government banned federal government advertising in *Nawa-I-Waqt* and *The Nation*. Provincial and local governments were free to advertise in those papers and did. The ban was lifted on August 22. In June the Sindh provincial government banned provincial government advertising in papers run by the Dawn Group, owing to its critical coverage of a financial scandal involving the chief minister.

The government directly owned and controlled Pakistan Television and Radio Pakistan, the only free national electronic broadcasters. The semiprivate Shalimar Television Network, in which the government held majority ownership, expanded its broadcast range during the year. All three reflected government views in news coverage. Private cable and satellite channels Geo, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the government. Cable and satellite television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the BBC and the Voice of America, were available.

The government arrested, harassed, and intimidated journalists during the year. For example, on July 18, military police detained European documentary filmmakers Leon Flamholz, David Flamholz, and Tahir Shah in Peshawar on charges of filming military installations. On August 3, following questioning, Pakistani officials deported all three, who denied filming any military installations and claimed that the military treated them inhumanely during their confinement, denying them contact with their embassies and families. On July 24, police detained Rashid Channa, a senior reporter with the *Star* in Karachi, ostensibly on the orders of the Sindh chief minister and held him for more than 12 hours. Channa had written several stories critical of the chief minister and his cabinet.

On March 25, a special antiterrorism Court in Quetta cleared journalist Khawar Mehdi Rizvi of all charges connected with his 2004 arrest. There were no other updates in 2004 cases.

Militant and extremist groups also killed, harassed, and physically assaulted journalists. For example, on January 19, a group of 30 Islamist youths attacked the offices of the Jang group of newspapers and the Geo TV offices in Karachi, damaging furniture, equipment, and vehicles and injuring a security guard. The youth were ostensibly angered by an interview with Israeli Deputy Prime Minister Shimon Peres published in *Jang*, as well as a Geo TV talk show on sexuality. On February 7, militants ambushed and killed journalists Amir Nawab Khan and Allah Noor Wazir near Wana, South Waziristan, and wounded journalist Anwar Shakir. On December 5, unknown assailants kidnapped journalist Hayatullah Khan from North Waziristan. Khan remained missing at year's end (see section 1.d.).

Unlike in previous years, the government did not directly or indirectly censor the media. Media outlets, however, continued to practice self-censorship.

Although visa restrictions on Indian journalists have been relaxed, on July 22, immigration authorities denied entry to Indian journalist Harider Baweja at Lahore International Airport despite her possession of a valid visa. She claimed that immigration officials told her that she was on a blacklist. The Ministry of Foreign Affairs denied this assertion.

The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. As part of the government's crackdown on extremists, President Musharraf ordered police to take action against radical publications. For example, on July 15, police in Karachi arrested two managers of the extremist weekly *Zarab-e-Islam* and vendors of the extremist weekly *Zarb-e-Momen*, banned publications which openly support terrorist groups. On July 19, Karachi police banned the extremist weekly papers *Friday Special*, *Wajood*, and *Ghazi*, and the extremist daily newspaper *Ummat*, and arrested *Wajood's* editor and *Friday Special's* deputy editor for promoting extremist views. All those arrested in the Karachi raids were released on bail but faced charges under the Anti-Terrorist Act at year's end.

Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The law provides for life imprisonment for desecrating the Koran and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see section 2.c.). On August 7, the Punjab provincial government ordered two Ahmadi printing presses in Jhang, Punjab, shut down. Police took the editor of the Ahmaddiya community magazine *al-Fazl*, Sami Khan, into protective custody and later released him. The move followed complaints from a local Islamic leader that the publications insulted the religious sentiments of Muslims. The provincial Home Department ultimately gave permission for the presses to reopen. Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

Obscene literature, a category broadly defined by the government, was subject to seizure. Television stations broadcast dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality; however, some sensitive series were canceled before their broadcast.

Unlike in previous years, there were no reports that the government limited access to the Internet.

The government generally did not restrict academic freedom; however, the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to limit academic freedom. On some university campuses, well-armed groups of students, most commonly associated with the All Pakistan Mohajir Students Organization (APMSO) (affiliated with the MQM) and the Islami Jamiat Talaba (IJT) (affiliated with the JI), had clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced those admitted to the universities, and sometimes also influenced the use of funds of the institutions. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect. For example, on February 14 and 15, the APMSO and the IJT engaged in violent fights at the S.M. Arts and Commerce College in Karachi. At least eight students were injured in the riots. Police ultimately intervened, arresting as many as 36 students. On September 28, the APMSO and IJT engaged in violent fights at the Government City College in Gulberg, Karachi. Police injured at least 11 students in the violence.

#### b. Freedom of Peaceful Assembly and Association

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

##### Freedom of Assembly

While the government allowed numerous opposition rallies and demonstrations to proceed during the year, it refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see section 2.c.).

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

Extremists also disrupted public gatherings. On April 3, several hundred activists affiliated with the Muttahida Majlis-i-Amal (a coalition of Islamist political parties) used petrol bombs, clubs, and bricks to attack participants, organizers, spectators, and police at a mixed-gender marathon in Gujranwala. The activists torched 19 vehicles and smashed windows in the stadium and adjacent buildings. Police used batons, tear gas, and firing in the air to restore order. The clash resulted in injuries to 15 persons. Police registered cases against more than 100 activists affiliated with the MMA, including Maulana Qazi Hamidullah, a member of the national assembly.

Unlike in previous years, the authorities did not restrict the domestic movements of leaders of religious political parties.

##### Freedom of Association

The law provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the government under the 1960 Cooperative Societies and Companies Ordinance. No prominent NGO reported problems with the government over registrations during the year. Some continued to operate without registering and were not prosecuted.

#### c. Freedom of Religion

The law states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the government limited freedom of religion. Islam is the state religion, and the constitution requires that laws be consistent with Islam. All citizens were subject to certain provisions of Shari'a, such as the blasphemy laws. Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them. The president and the prime minister must be Muslim. The prime minister, federal ministers, and ministers of state, as well as elected members of the senate and national assembly (including non-Muslims), must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see section 3).

Religious groups must be approved and registered; there were no reports that the government refused to register any group.

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Ahmadis, who claimed their

population was approximately 2 million, were prohibited by law from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis are prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. In March the government reinstated the religion column for machine readable passports (see section 2.d.). Ahmadis were frequently discriminated against in government hiring and in admission to government schools.

Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used to settle business or personal disputes and harass religious minorities or reform-minded Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting a final verdict. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. On January 4, President Musharraf signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. During the year there were 3 persons convicted and 5 acquitted under the blasphemy laws and another 67 ongoing cases.

All religious groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land. The government prevented Ahmadis from building houses of worship.

*Islamiyyat* (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are exempt from such classes; however, in practice teachers induced many non-Muslim students to complete Islamic studies.

The Hindu community faced harassment and demands for bribes from security forces, particularly during tense periods in the relationship between Pakistan and India.

#### Societal Abuses and Discrimination

Sectarian violence between Sunni and Shi'a extremists continued during the year. Attacks on mosques and religious gatherings resulted in nearly 75 deaths (see sections 1.a. and 5).

Christians and Ahmadis were the targets of religious violence. For example, on March 28, five gunmen opened fire on Christians leaving Easter services at a church in Lahore, killing one and injuring seven. The motivation for the attack, in which the police arrested two assailants, appeared to be a land dispute between local Muslims and the Christian community. In April unknown assailants kidnapped and killed Pastor Shamoon Babar and his Catholic driver, Daniel Emmanuel. Police surmised that the two men had been tortured and shot several times while bound; their bodies were left on the Peshawar road. Police suspected that Babar's non religious business activities were the motivating factor in the crime; however, the All Pakistan Minorities Alliance (APMA) believed the killings to be religiously motivated. On October 7, unidentified gunmen opened fire at an Ahmadi worship service in Mong, Mandi Bahauddin, Punjab, killing 8 and wounding 14 (see section 1.a.).

On November 12, following allegations that a Christian man had desecrated a Koran, an angry mob burned five churches and damaged other Christian property in Sangla Hill, Nankana Sahib District of Punjab. Throughout the evening of November 11 and into the morning of November 12, local mosques used their loudspeakers to incite the public to retaliatory action in response to the alleged desecration. NGOs reported that local officials took part in the announcements. At year's end 88 of the 200 persons arrested under terrorism charges for their participation in the violence remained in police custody.

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

The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and the press commonly published anti-Semitic and anti-Zionist press articles.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights; however, the government limited them in practice. The government required special permission to enter certain restricted areas, including parts of the FATA.

The law prohibits travel to Israel. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available ECL are prohibited from foreign travel. There were approximately 4,300 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action is required to add a name to the ECL. Those on the list have the right to appeal for removal to the Secretary of

Interior and the advocate general of the senior judiciary. Courts have intervened to have opposition leaders removed from the ECL.

The law prohibits forced exile; however, former Prime Minister Nawaz Sharif and his brother Shahbaz Sharif remained in exile abroad, in accordance with his 2000 agreement with the government. On November 7, the government granted Nawaz Sharif and his immediate family new passports, allowing them to travel outside Saudi Arabia. Former Prime Minister Benazir Bhutto remained in self-imposed exile. She faced a number of corruption and contempt of court charges should she return to the country.

#### Internally Displaced Persons (IDPs)

According to press reports there were approximately 1.5 million displaced Kashmiris, from Indian-held Kashmir, in the country. Under the law, Kashmiris are entitled to the same rights as citizens.

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol; however, the government has a system to protect refugees. The government provided protection against *refoulement*, the return of persons to a country where they feared persecution. Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to a UN High Commissioner for Refugees (UNHCR)/government survey completed during the year, approximately 3 million Afghan refugees remained in country. The government continued to work closely with the UNHCR to provide support to this population. The government cooperated with UNHCR in the voluntary repatriation of 365,575 Afghan refugees during the year.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence community harassed refugees during their search for al-Qa'ida. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition, and blamed refugees for high crime rates. Single women, female-headed households, and children working on the streets were particularly vulnerable to abuse. Approximately 300 thousand Biharis, Urdu-speaking non-Bengali Muslims from Bangladesh, continued to campaign for resettlement in the country.

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

The law provides citizens with the right to change their government; however, this right was restricted in practice. President Musharraf has controlled the government since 1999 and dominated the PML federal coalition government.

#### Elections and Political Participation

Domestic and international observers found the 2002 national assembly elections, the most recent national elections, and the August local elections deeply flawed.

Chief of Army Staff General Pervez Musharraf assumed the presidency by decree in 2001 following his overthrow of the elected government of Prime Minister Nawaz Sharif in 1999. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within three years. In 2002 President Musharraf held a nationwide referendum on a 5 year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the referendum. However, independent observers found evidence of widespread fraud and coerced voting. The Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. In 2003 the national assembly affirmed Musharraf as president until 2007.

Elections were held for the national and provincial assemblies in 2002. Musharraf's Legal Framework Order (LFO) created a number of new candidate eligibility prerequisites. International and domestic observers found the elections deeply flawed, identifying serious problems in the election framework and tampering with results in certain districts. After a number of floor crossings, which the opposition claim were induced, the PML formed a governing coalition in concert with the MQM, smaller parties, and dissident groups from opposition parties. The February 2003 indirect senate elections resulted in a majority for the governing coalition. In December 2003 the parliament incorporated a large part of the LFO into the 1973 constitution as its 17th Amendment. The amendment affirms Musharraf's presidency until 2007 and exempts him from a prohibition on holding two offices of state until the end of 2004, thereby allowing him to continue as chief of army staff. The amendment allows the president to dissolve parliament but requires him to obtain the consent of the Supreme Court within 30 days. Opposition parties said the amended constitution legitimizes the powerful role of the military in politics and transfers significant powers from the prime ministership to the previously ceremonial presidency. In October 2004 the national assembly, over objections from all opposition parties, approved a bill extending Musharraf's exemption to hold two offices through 2007. In December 2004 Musharraf announced that he would continue as chief of army staff.

The national assembly and the cabinet functioned normally during the year. In August 2004 the national assembly elected the PML candidate, former Finance Minister Shaukat Aziz, as prime minister, although all opposition parties boycotted the vote because their candidate, PML-N leader Javed Hashmi, was not allowed to appear at the assembly, having been convicted of sedition. Opposition parties criticized Aziz's election to the national assembly, claiming his two by-election victories to the assembly on August 18 were fraudulent. Domestic and international observers found irregularities but concluded the elections were generally free, fair, and credible.

President Musharraf continued to back reforms proposed by the National Reconstruction Bureau to empower local governments. On August 18 and 25, the country held direct local elections to choose members and executives for the lowest tier of local government, the union council. International observers found serious flaws in the contests in Sindh and Punjab provinces, principally during the August 25 round.

Intimidation of opposition candidates and supporters, use of state resources to influence the election, vote-buying, and voting irregularities that appeared to benefit government-endorsed candidates occurred and likely had an impact on the results of the August 18 contest in Karachi and the August 25 contests in Sindh and Punjab. On October 6, indirect elections for executives of reserved minority and women's seats on the *tehsil* and district councils occurred. International observers found that all political parties engaged in attempted intimidation, coercion, and vote-buying during these contests.

The government permitted all existing political parties to function. The government forced the PPP and PML-N to elect in-country leaders other than former prime ministers Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming prime minister for a third time, effectively eliminating Benazir Bhutto and Nawaz Sharif.

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

The government ban on political party activities in the FATA continued. Candidates were not allowed to register by political party, and political party rallies were not allowed. Several political parties campaigned covertly during the 2002 national elections.

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

There were 73 women in the 342-seat national assembly, 5 women in the cabinet; and none in the Supreme Court. Women have 60 reserved seats in the national assembly. Women also have 128 reserved seats of the 758 seats in provincial assemblies and one-third of the seats in local councils. In some districts social and religious conservatives prevented women from becoming candidates; however, in several districts female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. The PML and PPP prohibited their local leaders from entering into agreements that would prevent women from standing for or voting in the local elections. The ECP invalidated union council elections in parts of NWFP where women were not allowed to vote. Provincial chief ministers named women to serve in their cabinets.

There were 10 minorities in the 342-seat legislature, 1 on the Supreme Court, and none in the cabinet. All 10 minority members of the national assembly held reserved religious minority seats. Such seats are apportioned to parties based on the overall percentage of elected seats held in parliament. Previous direct elections for minority seats were abolished. Under the law, minorities held reserved seats in the provincial assemblies (see section 2.c.). The government required voters to indicate their religion when registering.

#### Government Corruption and Transparency

Corruption among executive and legislative branch officials remained a problem during the year, and public perception of corruption was widespread. The National Accountability Ordinance prohibits those convicted of corruption by the NAB from holding political office for 10 years (see section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute members of the military.

While fairly restrictive regarding the information that citizens are entitled to, in 2002 a Freedom of Information Ordinance became law. The ordinance's effectiveness was unclear and there were no reports of citizens using the act to get information declassified during the year.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.

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

On May 14, police in Lahore prevented several human rights organizations from holding a symbolic mixed-gender mini-marathon to highlight violence against women, as organizers did not have appropriate permits (see section 2.b.). In the course of arresting those who refused to adhere to police instructions to disperse, police hit Asma Jahangir, the UN Special Rapporteur on Human Rights and head of the HRCP, with a baton and tore off her shirt.

International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. The ICRC had a delegation in country.

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

Rights, an interparty caucus of parliamentarians, lobbied effectively for reform in key areas.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

#### Women

Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives, and often newly married women were abused and harassed by their in-laws. Dowry and family-related disputes often resulted in death or disfigurement through burning or acid. For example in Peshawar on May 1, Anwar Khan killed his wife Rashida Bibi after she refused to allow the sale of their daughter in marriage to an Afghan national for approximately \$836 (PKR 50 thousand). During the year there were 134 cases of stove deaths, many of these related to disputes with in-laws.

According to the HRCP, one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women has called for specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Battered women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation.

The government criticized violence against women. Its Crisis Center for Women in Distress refers abused women to NGOs for assistance. During the year the NGO Struggle for Change (SUCH), which operated a shelter for abused women, provided rehabilitation assistance (shelter, employment counseling, and legal aid) to 49 women. An additional 107 women received legal or financial assistance from SUCH during the year. Provincial governments operated shelters for women in distress at the district level. In some cases, women were abused in the shelters. For example on August 13, Kanwal fell from the roof of the shelter in Hyderabad while trying to escape what other shelter residents reported were abusive conditions. Kanwal died the next day. A preliminary inquiry charged the night staff of the shelter with neglect for failing to provide adequate first aid and for failing to summon medical assistance immediately.

Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It is estimated that rape victims reported less than one-third of rape cases to the police. Police were at times implicated in the crime.

On May 3, police allegedly abducted Sonia Naz and detained her for 10 to 12 days, during which time she claimed that the SHO, Jamshed Chishti, raped her on the orders of Abdullah Khalid, Faisalabad Superintendent of Police for Investigation. On April 21, the speaker of the national assembly ordered the arrest of Naz for illegally appearing on the floor of the house to seek assistance for her husband, who the same police officials had allegedly harassed in connection with an investigation into stolen vehicles. The Speaker ultimately withdrew his complaint on October 7. Police originally refused to file rape charges against the accused, but following a Supreme Court order, on October 12, they arrested the officers for rape. After an initial investigation into the rape incident resulted in conflicting conclusions, including one accusing Naz of falsifying the rape claim, the Supreme Court established a new investigation team of more senior officials that began its work on October 26. Courts cancelled initial bail for Abdullah and Chishti, and the two men surrendered to police on October 18 and 19 respectively. In September the Punjab chief minister suspended both from the police force.

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were cases in which rape victims were jailed on such charges. The standard of proof for rape set out in the Hudood Ordinances is based on whether the accused is to be subjected to Koranic or secular punishment. In cases of Koranic punishment, which can result in public flogging or stoning, the victim must produce four adult male Muslim witnesses to the rape or a confession from the accused. No Koranic punishment has ever been applied for rape. The standards of proof are lower for secular punishment, which can include up to 25 years in prison and 30 lashes. Such punishment was applied frequently. Courts, police, and prosecutors at times refused to bring rape cases when Koranic standards of evidence could not be met.

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

On January 2 in Sui, Balochistan, an unknown person broke into the bedroom of and raped Dr. Shazia Khalid, an employee of the Pakistan Petroleum Company. Dr. Shazia was unable to identify her rapist, but Baloch nationalist leaders claimed that frontier corps personnel committed the rape and accused the government of a cover-up. The government maintained that DNA tests ruled out the suspect. In February a tribal *jirga* determined that Dr. Shazia's rape had dishonored the tribe and that she should be murdered. In March Dr. Shazia and her husband departed the country. At year's end the government made no progress in the investigation.

On March 3, the Lahore High Court overturned the conviction and death sentence of five of the six persons convicted in the gang rape of

Mukhtiar Bibi and commuted the sentence of the 6th to 25 years in prison. On March 11, the Federal Shariat Court stayed the high court ruling and ordered the defendants released on bail while it reviewed the case. On March 13, the Supreme Court issued a stay on both the high and shariat court rulings but allowed the defendants to remain at large. In early June Mukhtiar announced that she intended to travel overseas to address an international women's rights conference. In response, the government, on the order of President Musharraf, placed her on the ECL, pressured her not to travel, and attempted to block her from obtaining necessary visas. The prime minister ultimately removed Mukhtiar from the ECL on June 15, although she did not travel. On June 28, the Supreme Court decided that it would take jurisdiction of the gang rape case and ordered the five convicted held without bail for the duration of the trial. On the same day, the government ordered the eight originally acquitted in the case held under the Maintenance of Public Order Ordinance as a threat to Mukhtiar Bibi. In October Mukhtiar traveled abroad without incident.

Husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail and saw her reputation destroyed. The government's National Commission on the Status of Women advocated the repeal of the Hudood Ordinances. On January 4, President Musharraf signed a bill into law that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges. The percentage of the female prison population awaiting trial on such Hudood charges declined significantly to approximately 33 percent.

Honor killings and mutilations occurred during the year (see section 1.a.). Women were often the victims at the hands of their husbands or male relatives. No accurate statistics exist on the number of honor crimes committed during the year. However, human rights groups believed that such incidents were fairly common, with the majority occurring in Sindh. The practice was also common in Punjab and among tribes in Baluchistan, NWFP, and FATA. On January 4, President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and restricts the right of victims or heirs to pardon perpetrators in exchange for restitution.

For example, on January 22, in Lahore, Riaz shot and killed his niece Aysha Javed after accusing her of having sexual relations with her neighbor, Mahboob Khan. Riaz also attacked Mahboob Khan's residence, killing his father Yaqoob Khan and seriously injuring his two brothers. Police arrested Riaz and two accomplices, all of whom remained in detention at year's end. On March 21, in Pathan Wah Village, Shikarpur District, Sindh, Yousif shot and killed his new bride Arbeli two hours after their wedding ceremony. He accused his wife of having had sexual relations with her cousin, Abdul Sattar Mirbahar. Yousif and six alleged accomplices remained at large at year's end.

The estimated 100 thousand Bohra Muslims practiced female genital mutilation (FGM). While no statistics on the prevalence of FGM among the Bohras existed, the practice reportedly declined.

Sexual harassment was a widespread problem. While the Pakistan Penal Code prohibits harassment, prosecution was rare.

Prostitution was not legal. Most prostitutes were victims of either domestic or international trafficking and were held against their will. Police raided brothels during the year, but many continued to operate underground particularly in larger cities.

The law prohibits discrimination on the basis of sex; however, in practice this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system (see section 2.c.). The Hudood Ordinances create judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of future obligations, a woman's testimony is equal to half that of a man's testimony.

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

Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male over 14 years of age.

Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives.

The government's Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy. During visits to New Zealand in June and the United States in September, President Musharraf criticized domestic and international women's organizations for highlighting the issue of rape and violence against women in the country. In an interview with the *Washington Post*, the president stated that rape was becoming a "money making concern," and "a lot of people say that if you want to go abroad and get a visa from Canada or citizenship and be a millionaire, get yourself raped." He made similar remarks during a government-sponsored conference on women's rights in Islamabad in September.

Numerous women's rights groups such as the Progressive Women's Association, Struggle for Change, and Aurat Foundation were active in urban areas. Primary issues of concern included domestic violence, the Hudood Ordinances, and honor crimes.

## Children

The government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (*madrassa*) system. In urban areas many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to a foreign aid organization, of the 18 million children between the ages of 5 and 9, only 42 percent were in school. Less than half of children who enrolled completed more than five years of education. Out of every 100 children who enrolled, only 6 completed grade 12. The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas. The UN estimated that 7 thousand of the 12 thousand schools in the affected areas were destroyed or damaged beyond repair in the October 8 earthquake.

Madrasahs served as an alternative to the public school system in many areas. Many madrasahs failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrasahs, particularly in the Afghan border area, reportedly continued to teach religious extremism and violence. The government continued its efforts to modernize madrasah education during the year. An agreement was reached with the country's 5 independent madrasah boards to register the 85 percent of madrasahs under their control and to introduce a modern educational curriculum. Government funding has been allocated in the budget to assist with teacher training.

At the vast majority of madrasahs, students were reasonably well treated. However, press reports claimed that there were some madrasahs where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused.

Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys. Children were also the most affected by the October 8 earthquake, where the UN Children's Fund (UNICEF) estimated that half of the 73 thousand deaths were children. NGOs estimated that approximately 2 million children were adversely affected in the NWFP and the Azad Jammu Kashmir quake zone.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. In rural areas, poor parents sold children as bonded laborers (see section 6.d.) and at times sold daughters to be raped by landlords. The legal age of marriage for males is 18, and 16 for females, and there are no provisions to allow marriages at a lower legal age with parental consent. No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading of girls as young as 11 into marriage was reportedly common practice among the Pashtun subtribes.

Trafficking and commercial sexual exploitation were problems (see section 5, Trafficking).

Child labor was a significant problem (see section 6.d.).

NGOs like Sahil, Sparc, and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems.

## Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking was a serious problem. All forms of trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from 7 to 14 years' imprisonment plus fines. The government arrested 513 suspected traffickers and prosecuted 179 under the ordinance during the year. The Federal Investigation Agency's (FIA) dedicated ATU had primary responsibility for combating trafficking. An Inter-Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking.

Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on erroneous promises of legitimate jobs. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, both groups had passports confiscated and were forced to work to pay off their transportation debt. Families continued to sell young boys between ages 3 and 10 for use as camel jockeys in Middle Eastern countries, and authorities estimated that there were between two to three thousand child citizens in the UAE being used as camel jockeys. Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases families sold these victims into servitude, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year authorities prosecuted governmental officers and arrested FIA inspectors. A complete tally of such actions was not available.

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

vocational training. The government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior Minister personally was engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking.

With the establishment of a dedicated ATU, treatment of trafficking victims improved significantly. Unlike in previous years, there were no reports of police treating trafficking victims as criminals or threatening them with prosecution for adultery or fornication. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination on their repatriation.

Several NGOs held workshops on trafficking during the year, and the government and NGOs worked to publicize the plight of camel jockeys and discourage the continuation of the practice.

#### Persons with Disabilities

The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases these individuals were forced into begging, and organized criminals took much of the proceeds. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see section 1.c.).

#### Other Societal Abuses and Discrimination

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

Homosexuals did not reveal openly their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation.

Those suffering from HIV/AIDS faced broad societal discrimination. While the government has launched education and prevention campaigns, these have done little to protect victims.

The Shi'a, Christian, Hindu, and Ahmadi communities all faced discrimination and societal violence (see section 2.c.).

#### Section 6 Worker Rights

##### a. The Right of Association

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

##### b. The Right to Organize and Bargain Collectively

In those sectors covered by the IRO, the government allowed unions to conduct their activities without interference. The IRO protects the right to collective bargaining subject to restrictions but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent.

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

Several small strikes occurred during the year. For example in May and June, Pakistan Telecommunications workers' unions held brief nationwide strikes to protest privatization of the company. The strikes ceased after negotiations with the government.

National labor laws require the government to determine every six months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in Pakistan's three Export Processing Zones (EPZs) are exempted by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including by children; however, the government did not enforce these prohibitions effectively. The Bonded Labor System Abolition Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$833 (PKR 50 thousand) in fines.

Realistic statistics on bonded labor were difficult to obtain. Estimates suggested that 5 to 20 million persons were involved in some form of bonded labor, which was common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low-caste Hindus. Bonded laborers were often unable to determine when their debts were fully paid. Those who escaped often faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax, and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor in agriculture and domestic work was also common.

Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see section 5).

The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. For example no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs.

Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts--ranging from an average of \$6 (PKR 364) in the NWFP to an average of \$121 (PKR 7,280) in Baluchistan--were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (PKR 20 thousand). Penalties often were not imposed on those found to be violating child labor laws.

The International Labor Organization--International Program for the Elimination of Child Labor (ILO-IPEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep-sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries.

#### e. Acceptable Conditions of Work

The national minimum wage for unskilled workers was \$42 (PKR 2,500) per month. It applies only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines often only had one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights.

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