

# PAKISTAN

## EXECUTIVE SUMMARY

Pakistan is a federal republic. With the election of current president and head of state, Asif Ali Zardari, democratic rule was restored in 2008 after years of military government. Syed Yousuf Raza Gilani of the Pakistan People's Party (PPP) served as prime minister and head of government. The PPP and its federal coalition partners controlled the executive and legislative branches of the national government and three of the four provincial assemblies. The military and intelligence services nominally reported to civilian authorities but essentially operated without effective civilian oversight. Generally, the police force reported to civilian authority, although there were instances in which it acted independently.

The most serious human rights problems were extrajudicial killings, torture, and disappearances committed by security forces, as well as by militant, terrorist, and extremist groups, which affected thousands of citizens in nearly all areas of the country. Two prominent political figures, Punjab governor Salman Taseer and federal minister for minorities Shahbaz Bhatti, were assassinated due to their support for revisions of the blasphemy law and for Aasia Bibi, a Christian who had been sentenced to death under the law.

Other human rights problems included poor prison conditions, instances of arbitrary detention, lengthy pretrial detention, a weak criminal justice system, insufficient training for prosecutors and criminal investigators, a lack of judicial independence in the lower courts, and infringements on citizens' privacy rights. Harassment of journalists, some censorship, and self-censorship continued. There were some restrictions on freedom of assembly and some limits on freedom of movement. The number of religious freedom violations and discrimination against religious minorities increased, including some violations sanctioned by law. Corruption was widespread within the government and the police forces, and the government made few attempts to combat the problem. Rape, domestic violence, sexual harassment, "honor" crimes, abuse, and discrimination against women remained serious problems. Child abuse and commercial sexual exploitation of children persisted. Widespread human trafficking--including forced and bonded labor--was a serious problem. Societal discrimination against national, ethnic, and racial minorities continued, as did discrimination based on caste, sexual orientation, gender identity, and HIV status. Lack of respect for worker rights continued.

Lack of government accountability remained a pervasive problem. Abuses often went unpunished, fostering a culture of impunity.

Violence, abuse, and social and religious intolerance by militant organizations, and other nongovernmental actors contributed to a culture of lawlessness in some parts of the country, particularly Balochistan, Sindh, Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province), and the Federally Administered Tribal Areas (FATA).

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

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

There were many reports that the government or its agents committed arbitrary or unlawful killings.

Security forces reportedly committed extrajudicial killings in connection with conflicts in Balochistan, FATA, and KP (see section 1.g.). A May 24 report by the Asian Legal Resource Center (ALRC) stated that from October 2010 to May government agencies abducted and killed more than 120 persons. Human Rights Watch (HRW) stated that between January and July security forces abducted and killed at least 150 persons and abandoned their bodies across Balochistan, in acts widely referred to as “kill and dump” operations. “The surge in unlawful killings of suspected militants and opposition figures in Balochistan has taken the brutality in the province to an unprecedented level,” HRW concluded, and it urged the government to investigate all those responsible, especially in the military and Frontier Corps (FC), and hold them accountable. A parliamentary committee was formed to look into killings in Balochistan. The committee had not concluded its findings and recommendations by year’s end.

Some deaths of individuals accused of crimes allegedly resulted from extreme physical abuse while in official custody. As of December the nongovernmental organization (NGO) Society for Human Rights and Prisoners’ Aid (SHARP) reported 61 civilian deaths after encounters with police and 89 deaths in jails, a decrease from the previous year. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Lengthy trial delays and failures to discipline and consistently prosecute those responsible for killings contributed to a culture of impunity.

On May 17, security officials shot and killed five unarmed Chechen and Tajik nationals at the Kharotabad check post in Quetta, Balochistan, after accusing them of being terrorists. Chief Minister of Balochistan Nawab Aslam Raisani ordered a judicial inquiry into the incident. On June 28, the inquiry commission presented its report to the provincial government, which declared police and FC officials at the check post responsible for the incident and recommended action against them. No action had been taken against these officials by year's end. On December 29, following a beating earlier in the year, unknown assailants in Quetta killed surgeon Dr. Baqir Shah, who conducted the autopsy on the five foreigners and was a key witness in the case.

On June 26, the newspaper *Dawn* reported that the Sindh Rangers shot and killed Sarfaraz Shah after he was "caught red-handed" while stealing cash and valuables from visitors at the Benazir Shaheed Park. Footage broadcast on news channels and YouTube showed that the unarmed youngster was shot from very close range by one of six soldiers gathered around him as Sarfaraz pled for mercy. On August 12, a court sentenced one of the soldiers to death and gave five others life sentences. Authorities also removed the provincial chiefs of police and rangers in Karachi. However, the director general in charge at the time of the abuse was reinstated and promoted to lieutenant general on October 4.

There were no developments in a 2009 extrajudicial killing case in which an Internet video showed men in military uniforms executing six young men in the Swat Valley. In October 2010 Chief of Army Staff General Afshaq Kayani ordered the establishment of a board of inquiry to determine the identities of the uniformed personnel seen in the video. The military had not publicly announced the conclusions of its investigation by year's end, and no one had been held accountable.

In April 2010 a three-member UN commission presented its report on the 2007 assassination of former prime minister Benazir Bhutto. The report stated that the former government led by Pervez Musharraf did not protect Bhutto and that intelligence agencies hindered the subsequent investigation. On November 5, an antiterrorism court indicted two police officers, including the former Rawalpindi chief of police, and five members of the Pakistani Taliban, for criminal conspiracy and murder.

Politically motivated killings also continued. In Balochistan, nationalist, political, and intellectual leaders remained targets of attacks during the year. For example, on January 18, the *Daily Times* reported that the bullet-riddled bodies of three

Baloch political activists were found in Ormara, Makran, and Khuzdar. They were identified as Balochistan National Movement member Naseer Kamalan, a poet and political activist, who allegedly was abducted by the FC in November 2010; Ahmed Dad, an activist of the Baloch Republican Party; and Nisar Ahmed Mengal, the younger brother of the late Rasool Bakhsh Mengal, the central joint secretary of the Balochistan National Party-Mengal (BNP-M). Other attacks on Baloch political activists included the March 14 killing of BNP-M leader Agha Mahmood Ahmedzai in Kalat; the June 2 killing of National Party leader Nasim Jangian in Turbat; the June 23 killing of Mir Rustam Khan Marri, former leader of the BNP-M in Jaffarabad District; the July 21 killing of BNP-M leader Jumma Khan Raisani in Khuzdar; and the September 27 killing of BNP-M leader Abdul Salam in Khuzdar.

The South Asia Terrorism Portal reported that journalists, teachers, students, and human rights defenders also were being targeted in Balochistan. In total, at least 542 civilians were believed to be victims of extrajudicial killings during the year.

There were significant reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh. According to a report by the Human Rights Commission of Pakistan (HRCP), 1,138 persons were killed in political violence in Karachi during the first six months of the year, 490 of which were targeted killings. On August 28, the National Assembly formed a 17-member all-party committee headed by Minister for Religious Affairs Syed Khurshid Ahmed Shah to probe the killings and violence in Karachi and Balochistan and submit its report in two months. No report had been submitted by year's end; however, the Supreme Court heard a case on its own motion regarding Karachi violence from August 26 to October 6. On October 6, the Supreme Court issued its decree against Sindh provincial authorities for failing to address a breakdown of law and order in Karachi.

The elected civilian government, especially the coalition partner Awami National Party (ANP) in KP, remained the target of attacks. On May 28, at Matta tehsil in Swat, KP, unidentified militants killed ANP President Muzaffar Ali Khan when they attacked his guesthouse with hand grenades and automatic weapons.

During the year two high profile government officials were assassinated for publicly criticizing blasphemy laws and for calling for reform of those laws. On January 4, Punjab Governor Salman Taseer was killed by his bodyguard. On October 1, the Rawalpindi Anti-Terrorism Court sentenced Taseer's killer, Malik

Mumtaz Qadri, to death. Qadri filed an appeal of the sentence on October 6. The appeal was pending in the Islamabad High Court at year's end.

On March 2, Shahbaz Bhatti, the federal minister for minorities, was shot and killed in Islamabad. According to press reports, at least two unidentified attackers were involved. The gunmen left pamphlets, reportedly from al-Qaida and Tehrik-e-Taliban Pakistan (TTP), accusing Bhatti of blasphemy. The assailants fled the scene and were not captured. The investigation continued at year's end.

### **b. Disappearance**

During the year kidnappings and forced disappearances continued, with reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado and refused to disclose their location. Human rights organizations reported that many Sindhi and Baloch nationalists were among the missing, and there were reports of disappearances during the year in connection with the conflicts in FATA and KP (see section 1.g.).

Nationalist political parties in Sindh Province reported disappearances and claimed that some of their members were in the custody of the intelligence agencies. Hindu communities in interior Sindh also reported an increase in kidnapping for ransom; many families fled to India as a result. According to an HRCP report, 18 families left within one week in October.

Amnesty International reported that Muzaffar Bhutto, general secretary of the nationalist party Jeay Sindh Muttaheda Mahaz, was abducted on February 25 in Hyderabad, Sindh. Police and intelligence agencies allegedly picked up Jeay Sindh Qaumi Mahaz (JSQM) leader Sikander Aakash Mallah and his aide, Noor Mohammad Khaskheli, from Hyderabad, Sindh, in 2009. They were released in March in Sadiqabad, Punjab. At a press conference in Karachi on April 4, Mallah accused intelligence agencies of abducting him and alleged that they were planning to abduct more nationalist leaders to torture or kill them.

The Supreme Court continued its hearings on missing person's cases. On July 12, the Supreme Court observed that from January to July the number of missing persons in the judicial system increased to 228. The duration of the three-member judicial commission of inquiry on enforced disappearance, formed by the federal government in March 2010, was extended as the Supreme Court referred new cases to it. In September Justice Javed Iqbal was appointed head of the inquiry commission. The commission's mandate included preparing a comprehensive list

of missing persons, suggesting ways to trace the missing persons, and finding those responsible for their disappearance. As of December the commission was examining 418 cases.

Disappearances from Balochistan remained a problem, with Baloch political groups demanding political and human rights. On April 6, Federal Interior Minister Rehman Malik informed the Senate that 203 persons were missing in Balochistan. The mutilated dead bodies of 355 missing persons were found from June 2010 to December 2011. According to the Voice of Baloch Missing Persons (VBMP), more than 785 persons had disappeared since January; the bodies of 35 of them were found. The VBMP estimated that more than 14,000 persons had disappeared in Balochistan since 2001.

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

The constitution prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including the intelligence services, tortured and abused individuals in custody. The law has no specific section about torture; it sanctions only “hurt” and does not mention punishing perpetrators of torture.

According to a June 24 statement by the Asian Human Rights Commission (AHRC), the absence of both proper complaint centers and a particular section in the criminal code to define and prohibit torture contributed to the spread of such practices. The AHRC stated that there had been no serious effort by the government to make torture a crime in the country, and the state provided impunity to the perpetrators, who were mostly either policemen or members of the armed forces.

The NGO SHARP reported that, as of December 15, police tortured persons in more than 8,000 cases, compared with findings of 4,069 cases in 2010. Human rights organizations reported that methods of torture included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country.

On September 9, the newspaper the *Nation* reported that a prisoner died after police torture in Chiniot, Punjab. The district police suspended five policemen,

including the station house officer. One month later the police in Chiniot again were accused of torture when police reportedly tortured women who were protesting the death of a member of their family at the hands of the police.

There were reports that police raped women. On April 14, *Dawn* reported that four policemen gang-raped a Christian health technician in her residential quarters in a hospital in Washak, Quetta. Two policemen were arrested, while two escaped. At year's end there were no further developments in the case.

There were accusations that security forces raped women during interrogations. The government rarely took action against those responsible. There also were reports that police sexually abused street children (see section 6, Children).

The practice of cutting off a woman's nose or ears, especially in connection with "honor" crimes, was reported often, but government officials did little to combat the practice (also see section 6, Women). Parallel local council meetings (jirgas) consisted of assemblies of tribal elders who make decision by consensus; their decisions are recognized as legal by their communities. These jirgas announced inhumane punishments, such as honor killings, for those accused of violating tribal customs.

There were no reported developments in the following cases from 2010: the five police officers arrested for torturing robbery suspects in Chiniot, Punjab, in March; the alleged rape by police officers of a 13-year-old-girl at the Wah Cantonment Police Station in May; and the alleged police torture of a female prisoner at the Sialkot central jail in May.

### **Prison and Detention Center Conditions**

Prison conditions were often extremely poor and failed to meet international standards. Police sometimes tortured and mistreated those in custody and at times committed extrajudicial killings. Overcrowding was common, except for the cells of wealthy or influential prisoners. Prisons and detention centers were managed largely by the provincial governments. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. Prisons could not be described as correctional institutions, because the conditions in many of the prisons were so inhuman that criminals often left more hardened than before their incarcerations.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diets with help from family or friends. In many facilities provisions for sanitation, ventilation, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care, but it did not always function effectively. Prisoners sometimes also had to pay bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

There were several reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities. On March 16, the *Daily Times* reported that at least seven prisoners were killed and 30 persons (including police) were injured when prisoners in Hyderabad Central Jail fought with jail administration officials. Protesting prisoners climbed onto the rooftops of their barracks and complained about the blockage of water, gas, and electricity.

Minority prisoners generally were afforded poorer facilities than Muslims and often suffered violence at the hands of fellow inmates. Christian and Ahmadi communities claimed that their members were more likely to be abused in prison. The Center for Legal Aid and Assistance reported that conditions were often worse for those prisoners accused of violating the blasphemy laws.

According to an August 2010 report in *Dawn*, all 32 jails in Punjab Province faced acute overcrowding. Official figures indicated that these jails operated at 40 percent over capacity during the year. As of April 2, 53,208 prisoners were in Punjab's 32 prisons, which had an authorized capacity of 21,527 inmates. According to Punjabi prisons department officials, overcrowding not only caused security, accommodation, and health problems for inmates but also adversely affected the general administration of jails.

In KP province there were 8,582 prisoners, with an official capacity of approximately 8,340, according to the KP inspector general of prisons. During a Senate committee meeting on May 17, Senator Azam Khan Swati said that there seemed to be no effort by the government to release detainees who had completed their sentences years ago. The National Judicial Policy Making Committee noted

that, after the implementation of the 2009 national judicial policy aimed at speeding up the process of court hearings and deciding cases, in Sindh the number of jail inmates was reduced from 20,000 to 13,464.

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not separated from the general prison population.

Prison officials often kept juvenile offenders in the same facilities as adults but in separate barracks. Nevertheless, at some point during their imprisonment, children were mixed with the general prison population. Often children were subject to abuse, rape, and violence from other prisoners and prison staff.

According to the Society for the Protection of the Rights of the Child (SPARC), the bulk of juvenile prisoners were kept in Punjab's 29 prisons. At the end of May there were 725 child prisoners in Punjab; 103 were convicted, and 622 were in the trial process. By July there were 1,056 juvenile prisoners in the trial process and 161 convicted juveniles in the country's four provinces. SPARC stated that juvenile prisoners were among the worst off in the country. The jail conditions in which they were held were extremely poor. Many spent longer periods behind bars because they were unable to pay bail. Rather than being rehabilitated, the majority of child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as age 12 were arrested under the Antiterrorism Act for terrorism. Children convicted under the act could be sentenced to death, although no case existed of a child being executed under the act.

Women were held in separate spaces from men in some, but not all, prisons. There were many reports of violence against women and rape in the prisons.

The 18th amendment to the constitution mandated that religious-minority prisoners be given places to worship inside jails. It was not clear whether this law was implemented.

There is an ombudsman for detainees, with a central office in Islamabad and one in each province. Although a complaint system existed for prisoners to submit grievances, it did not function effectively. Inspectors general of prisons visited

prisons and detention facilities to monitor conditions, but visits were not regular. According to government officials, this system was based on complaints filed by individuals reporting misbehavior of civil servants.

According to SHARP, by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. After submitting a complaint, an inmate must remain in the same prison with the same prison authorities. Therefore, although there were many problems and an available channel for complaints, prisoners often remained silent to avoid confrontation with the jail authorities.

The International Committee of the Red Cross (ICRC) reported great difficulty in accessing detention sites, in particular those holding security-related detainees. In July 2010 the ICRC suspended prison visits in Punjab because it could no longer have regular access to detainees in that region.

Despite ongoing dialogue with the government, authorities did not authorize ICRC visits to any detention sites in the provinces most affected by violence--KP, FATA, and Balochistan. However, the governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings, offered recommendations to authorities, and, where relevant, initiated water-sanitation improvement projects.

Authorities at the local, provincial, and national levels permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates.

According to SHARP the government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result the situation appeared to deteriorate.

#### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention, but authorities did not always comply. This problem was compounded by widespread corruption.

#### **Role of the Police and Security Apparatus**

Police have primary internal security responsibilities for most of the country. By law control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The armed forces are responsible for external security. At times during the year they also were assigned domestic security responsibilities.

The Frontier Crimes Regulations (FCR) provide the framework for law and order in FATA. The FCR has long been criticized for several harsh and inhuman provisions, some of which were mitigated when President Zardari amended the FCR on August 12. Major changes in the FCR related to banning the collective responsibility of a tribe, restricting the arbitrary nature of the powers of political agents or district coordination officers, and granting citizens the right to challenge the decisions of political agents in courts.

The FCR is implemented through a political agent who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These included the paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between FATA and KP; levies, which operate in FATA and report to the political agent; khassadars (hereditary tribal police), which help the political agent maintain order; and lashkars (tribal militias), which are convened by tribal leaders to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests.

Frequent failure to punish abuses contributed to a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims (chief elected officials of local governments), provincial interior or chief ministers, federal interior minister, prime minister, or 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. These mechanisms sometimes were used.

The court system remained the only means available to investigate abuses by security forces.

Police often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims, from attacks.

There were improvements in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels.

### **Arrest Procedures and Treatment While in Detention**

A First Information Report (FIR) is the legal basis for any arrest. Police ability to initiate an FIR is limited, but for certain crimes the police may initiate an FIR. Often a different party must file the FIR, depending on the type of crime, not whether there is reasonable proof of a crime. An FIR allows police to detain a suspect for 24 hours, after which a magistrate can order detention for an additional 14 days if police show that the detention is material to their investigation. In practice some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe.

Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison, although government officials sometimes delayed access.

Arbitrary Arrest: There were reports that some police detained individuals arbitrarily without charge or on false charges to extort bribes for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender (also see section 1.f.).

Pretrial Detention: Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. When requested, magistrates approved investigative detention without requiring further justification. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

The district coordination officer may recommend preventive detention for as long as 90 days to the provincial home department and, with the approval of the Home

Department, can extend it for an additional 90 days. The law stipulates that detainees must be brought to trial within 30 days of their arrest.

The law defines bailable and nonbailable offenses. On April 18, President Zardari signed the Code of Criminal Procedure (Amendment) Bill, 2011, which grants statutory bail to prisoners undergoing trial and to convicts whose trials and appeals are pending over a prescribed time limit. Under the law prisoners undergoing trial are entitled to statutory bail if charged with any offense not punishable by death and if they have been detained for one year. In the case of an offense punishable by death, the accused is eligible for statutory bail if the trial has not been concluded in two years.

Judges sometimes denied bail at the request of police or the community, or upon payment of bribes. In some cases trials did not start until six months after the FIR, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP estimated that in 2010 approximately 55 percent of the prison population was awaiting trial. This situation remained unchanged due to a lack of change in the judicial system. The high number of inmates awaiting trial remained a large burden on the country's jails. In some cases detainees were informed promptly of charges brought against them.

NGOs reported that bail sometimes was denied in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the law established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. During the year the NAB rarely exercised this power. All offenses under the NAB are nonbailable, and only the NAB chairman has the power to decide whether to release detainees.'

Antiterrorism courts had the discretion not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty.

Under the FCR in FATA, political agents had legal authority to detain individuals preventively, and require "bonds" to prevent undesired activity. In August the FCR was amended to exempt women over age 65 and children below age 16 from collective punishment. Collective punishment is applied incrementally, starting

with the first immediate male family members, followed by the subtribe, and continuing outward. Although this reduces its scope, the FCR still assigns collective punishment without regard to individual rights. Human rights NGOs expressed concern about the concept of collective responsibility, as authorities used it as a pretext to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Under the amended FCR, indefinite detention is not allowed, and appeals can be made before the FCR tribunal. If wrongfully punished, prisoners have the right to compensation. Cases must be decided within a specified period of time, and arrested persons can be released on bail. Prisoners must be brought before the FCR authorities within 24 hours of detention, curtailing the arbitrary right of political agents to arrest and hold persons for up to three years. The accused have the right of appeal via a two-tiered system, which starts with an appellate authority composed of a commissioner and an additional judicial commissioner.

Under the FCR in FATA and the Provincially Administered Tribal Areas (PATA), security forces may restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention, tortured, and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; family members often were not allowed prompt access to detainees.

The Actions in Aid of Civil Power Regulation 2011, which came into force on June 23, grants wide powers to the military. The regulation allegedly responded to the need for a permanent federal statute to regulate the armed forces when called upon in aid of civil power in order to give them legal authority to handle detainees under civilian supervision. Retroactive to 2008, the regulation empowers the KP governor in the FATA, and the KP government in the PATA, to direct the armed forces to intern suspected terrorists. Critics said that the regulation violated the country's constitution because, among other things, it empowers the armed forces to occupy property, makes statements or depositions by military officers sufficient to convict an accused, and makes all evidence collected, received, or prepared by the interning authority both admissible and dispositive of guilt. Others noted that the regulation establishes a legal framework where none previously existed, prohibits the abuse or misuse of force by the military, and allows for more transparent treatment of detainees by requiring registration upon apprehension and

providing a legal process for transfer of detainees from military to civilian authorities for prosecution. It also creates an appeals process for detainees and their relatives and, importantly, limits the powers of the armed forces in administering the regulation. Reports in November and December indicated that transfers of detainees had begun.

Amnesty: On November 25, the Supreme Court dismissed the government's review petition against its ruling declaring the National Reconciliation Ordinance (NRO) illegal. The petition was heard by a 17-judge full court headed by Chief Justice Iftikhar Mohammad Chaudhry. In 2007 then president Musharraf promulgated the NRO to provide an amnesty mechanism for public officeholders who were accused but not convicted of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 2, 1999. The Supreme Court struck down the NRO in 2009.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but in practice the judiciary often was subject to external influences, such as fear of reprisal in terrorism cases. In nonpolitical cases the media and the public generally considered the high courts and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. According to Chief Justice Iftikhar Chaudhry, at the start of the new judicial year on September 12, 19,323 cases were pending before the Supreme Court. A total of 1.4 million cases were pending in the entire judicial system.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operate under separate judicial systems. For example, Azad Kashmir has its own elected president, prime minister, legislature, and court system independent of the country's judiciary. Gilgit-Baltistan also has a separate judicial system.

Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government's control over the court system.

Unfilled judgeships and inefficient court procedures continued to result in severe backlogs at both the trial and appellate levels.

Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights violations. Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. Women often were sentenced to violent punishments or death for “honor”-related crimes (see section 6). In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR. Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to Islamic law and tribal custom. Under the pashtunwali code of conduct, a man, his family, and his tribe are obligated to take revenge for wrongs, real or perceived, to redeem their honor. Frequently disputes arose over women and land. They often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, “honor killings,” or watta-satta marriages (exchange of brides between clans or tribes). The Sindh Minister for Human Rights, Nadia Gabol, called for a ban on jirgas in July 2010; however, there was no progress on this matter.

The AHRC reported that since 2002 more than 4,000 individuals, two-thirds of them women, have died by order of jirga courts in the country. Although the superior courts declared these rulings illegal, the AHRC reported that some of those involved in implementing jirgas were members of parliament.

### **Trial Procedures**

The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no trials by jury. Although defendants have the right to be present and consult with an attorney, courts appointed attorneys for indigents only in capital cases. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in appellate courts. Defendants can confront or

question witnesses brought by the prosecution and present witnesses and evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants had to make frequent court appearances.

SPARC stated that juvenile prisoners were subject to a slow process due to a lack of special juvenile courts or judges, and it concluded that a fair and just juvenile justice system did not exist in the country.

The Anti-Terrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the courts are free to extend the period. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.

Cases under the Hudood Ordinance (a law enacted in 1979 by the military ruler Zia-ul-Haq to implement Islamic law by enforcing punishments mentioned in the Qur'an and Sunnah for extramarital sex, false accusation of extramarital sex, theft, and drinking of alcohol) are appealed first to the Federal Shariat Court. The Supreme Court has ruled that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the shariat courts lack authority to review the provincial high court's decision. The Shariat Appellate Bench of the Supreme Court is the final court of appeal for shariat court cases. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation they judge inconsistent with Islamic tenets, but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Courts routinely failed to protect the rights of religious minorities. Judges sometimes were pressured to take action against perceived offenses to Sunni orthodoxy. For example, the judge who upheld a sentence against Governor Taseer's murderer was threatened, had his offices ransacked, and ultimately fled to Saudi Arabia.

Laws prohibiting blasphemy continued to be used discriminatorily against Muslims, Christians, Ahmadis, and members of other religious groups. Lower

courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.

In 2009 Muslim villagers accused a Christian woman, Aasia Bibi, of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In November 2010 a court sentenced Bibi to death for her crime, the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal of the guilty verdict. At year's end Bibi was waiting for her appeal to be heard at the Lahore High Court (also see the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt.](http://www.state.gov/j/drl/irf/rpt.))

### **Political Prisoners and Detainees**

Some Sindhi and Baloch nationalist groups claimed their members were marked for arrest and detained based on their political affiliation or beliefs. Under the 2009 Aghaz-e-Huqooqe Balochistan package (which was intended to address the province's political, social, and economic problems), the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile, as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty some Baloch groups claimed that the illegal detention of nationalist leaders by state agencies continued.

According to the JSQM, during the year authorities arrested between 30 and 40 Sindhi nationalists from several parties who remained missing at year's end. Some nationalist parties in Sindh, including the JSQM, claimed that their members remained in the custody of government agencies.

### **Civil Judicial Procedures and Remedies**

Persons may petition the courts to seek redress for various human rights violations, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported that civil courts seldom, if ever, issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.

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

The law requires court-issued search warrants for property but not for persons. Police sometimes ignored this requirement and at times stole items during searches. Police seldom were punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender (see section 1.d.). In cases pursued under the Anti-terrorism Act, security forces were allowed to search and seize property related to the case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence agency (ISI), the police Special Branch, and Military Intelligence. Credible reports indicated that authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. NGOs suspected that authorities monitored mobile phones and electronic correspondence.

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.

NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the FCR (see section 1.d.).

**g. Use of Excessive Force and Other Abuses in Internal Conflicts**

During the year militant and terrorist activity continued in different areas of KP and FATA, and there were numerous suicide and bomb attacks in all four provinces and FATA. Militants and terrorist groups, including the TTP, a militant umbrella group, targeted civilians, journalists, schools, community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities. A low-level insurgency continued in Balochistan.

The government implemented some measures to protect the population. The government also took actions to weaken terrorist ties around the country and

prevent recruitment by militant organizations. For example, law enforcement agencies reported the seizure of large caches of weapons in urban areas such as Islamabad and Karachi. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. Police arrested would-be suicide bombers in major cities of the country, confiscating weapons, suicide vests, and attack planning materials. The government continued to operate a center in Swat to rehabilitate and educate former child soldiers.

Poor security, intimidation by security forces and militants, and the control the government and security forces exercised over access by nonresidents to FATA continued to make it difficult for human rights organizations and journalists to report on military abuses in the region.

Political, sectarian, and ethnic violence in Karachi worsened during the year. The tenuous balance between political parties and the ethnic and sectarian groups they represent was broken by significantly altered demographics in the city. The 2005 earthquake that devastated the North and the 2010 floods that affected seven million Sindhis resulted in a large influx of citizens from different ethnic groups to Karachi. Although there was no precise total of new city residents, the growth of illegal settlements, both within the city and along its outskirts, suggested a tremendous rise in Sindhi, Baloch, and Pashtun migrants. Political parties and their affiliated gangs vied for political and economic control of these new populations by independently assessing their “allegiances.” The parties engaged in a turf war over “bata” (extortion) collection privileges and “ownership” over katchi abadis (illegal/makeshift settlements). The flashpoints of violence in Karachi were Lyari, Orangi, Katti Pahari, Qsba Colony, Pak Colony, and Shah Faisal Colony. HRCP estimated that between 925 and 1,400 persons died in sectarian and political violence between January and August.

## **Killings**

During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. On April 9, Interior Minister Rehman Malik informed the Senate that in the preceding two years, in 2,488 acts of terrorism, as many as 3,169 persons were killed and 9,479 others injured. Between January and December, 2,489 civilians and 735 security personnel were killed as a result of terrorist attacks across the country.

Militant and terrorist bombings in all four provinces and in FATA resulted in hundreds of deaths and thousands of injuries. According to the South Asia

Terrorism Portal, during the year terrorist and extremist attacks and operations to combat terrorism and extremism resulted in 6,142 deaths, of which nearly 2,580 were civilians, more than 765 were security forces, and more than 2,797 were terrorists or insurgents. There were also reports of attacks on civilians in Balochistan by groups prohibited by the government.

On September 7, at least 28 persons, including an FC colonel and the wife of the FC deputy inspector general (DIG), were killed in two suicide attacks outside the official residence of the DIG in Quetta, Balochistan. The DIG, Brigadier Farrukh Shahzad, and 16 FC personnel were among 82 persons injured in the attacks.

On March 10, the *Daily Times* reported that a suicide bomber blew himself up at funeral prayers in Peshawar, killing 37 persons and injuring more than 50. The target was a group of more than 200 members of an anti-Taliban militia who had gathered to offer the funeral prayers for the wife of a known anti-Taliban militiaman.

### **Abductions**

During the year there were reports of civilians kidnapped or taken hostage by militant groups in FATA, KP, Punjab, and Balochistan. On September 3, the TTP claimed responsibility for kidnapping 27 young men in Bajaur Agency and keeping them captive in Afghanistan's Kunar Province. The TTP demanded the release of scores of prisoners and an end to tribal elders' support of offensives against them.

On March 30, unidentified armed men kidnapped lawyer Farzand Ali from the Surab area. According to the *Daily Times*, the lawyer, a resident of Usta Muhammad, Jaffarabad, was going to Karachi from Quetta in his car when unidentified armed men stopped his vehicle, pulled him out at gunpoint, and kidnapped him.

In August two high-level kidnappings were reported in Lahore, Punjab. On August 14, American national Warren Weinstein, age 70, was taken from his home in Lahore. On August 26, armed gunmen took Shabhaz Taseer, son of slain Punjab governor Salmaan Taseer, from his car in Lahore. On December 1, al-Qaida claimed responsibility for Weinstein's abduction.

### **Child Soldiers**

Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified. On June 20, security forces took into custody a nine-year-old would-be suicide bomber at Darra Islam check post in Lower Dir and were informed by the girl that militants from Peshawar kidnapped her for the purpose of carrying out a suicide attack.

### **Other Conflict-related Abuses**

A September 26 report by the HRCP Khyber Pakhtunkhwa chapter for the year 2009-10 stated that the second most serious impact of militant attacks in tribal areas was on health facilities for women. The report stated that almost 80 hospitals were attacked by the militants and military operations against them, and it noted that of 13 sanctioned posts for gynecologists in tribal areas, 10 were vacant and female health staff were reluctant to perform duty in the region due to growing militancy.

On September 21, militants attacked an ambulance that was carrying persons injured in an attack on Shias in Quetta, killing three more persons.

On June 14, armed men took over a major private hospital, Liaquat National Hospital, in Karachi. They fired shots inside the health facility, ransacked its offices, and forced the administration to suspend several services, including the emergency unit.

On July 6, security forces started demolishing a private hospital in Miranshah, FATA, used by the TTP and other militants, one day after a nearby bomb attack killed three troops and wounded 15.

Militants bombed government buildings and attacked and killed female teachers. The TTP particularly targeted girls' schools to demonstrate its opposition to girls' education; however, the TTP also destroyed boys' schools. Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution.

In KP elected civilian government officials and their families, especially those representing the ANP, were major targets of attacks.

As a result of militant activity and military operations in KP and FATA that began in 2008 and continued throughout the year, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the past two years, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodations, or in camps at the beginning of the year. The government and UN agencies such as the Office of the UN High Commissioner for Refugees (UNHCR) and UNICEF collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home (see section 2.d.).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press. However, threats, harassment, violence, and killings led journalists and editors to practice self-censorship.

Freedom of Speech: The government impeded criticism by monitoring political activity. Citizens could criticize the government publicly or privately; however, they were restricted when criticizing the military. Blasphemy laws restricted individuals' right to free speech concerning matters of religion and religious doctrine. According to the constitution, every citizen has the right to free speech, subject to "any reasonable restriction imposed by law in the interest of the glory of Islam" or the integrity, security, or defense of the country.

Freedom of Press: The independent media was active and expressed a wide variety of views; journalists often criticized the government. Previously unreported events, such as persecution of minorities, were covered; however, journalists were restricted when criticizing or questioning the role of the military. Section 99 of the penal code allows the government to restrict information that might be prejudicial to the national interest. An increase in threats and violence against journalists who reported on sensitive issues such as security force abuses was observed during the year. The government also impeded criticism by monitoring political activity and controlling the media.

There were numerous independent English, Urdu, and regional language daily and weekly newspapers and magazines. To publish within Azad Kashmir, owners of

newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The Ministry of Information and Broadcasting controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The military had its own media-monitoring wing within Inter Services Public Relations, the military's public relations department. The government-owned and -controlled Pakistan Television (PTV) and Pakistan Broadcasting Corporation operated radio stations throughout the country. The law does not extend to FATA or PATA, and independent radio stations were allowed to broadcast in FATA with the permission of the FATA Secretariat.

There were instances in which the government shut down private television channels and blocked certain media outlets from broadcasting. The broadcasters asserted that the language of broadcast laws was vague, leading to instances of abuse and arbitrary broadcast restrictions by the Pakistan Electronic Media Regulatory Authority (PEMRA). The NGO Intermedia reported that PTV did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. According to Freedom House, authorities used the PEMRA rules to silence the broadcast media either by suspending licenses or threatening to do so.

Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were normally available, but sometimes PEMRA shut them down for periods of time, and starting November 29, BBC broadcasts were blocked.

Violence and Harassment: During the year security forces, political parties, militants, and other groups subjected media outlets and journalists and their families to violence and harassment. Journalists were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to the Committee to Protect Journalists, seven journalists were killed between January and December for reporting on sensitive topics. Reporters Without Borders reported nine journalists were killed and two imprisoned. During the year a number of journalists were also reportedly subjected to physical attack, harassment, intimidation, kidnapping, or other forms of pressure.

On May 29, journalist Saleem Shahzad was abducted in Islamabad. His tortured body was discovered on May 31. He reportedly received threats from the ISI about his article in Asia Times Online linking the navy with al-Qaida. A judicial inquiry into his death continued at year's end; nonprofit organizations and other observers suspected government involvement in his killing.

On June 19, the *Guardian* reported that Waqar Kinai, its correspondent in Islamabad, was beaten badly by uniformed men who said that they wished to "make an example" of him after he published an account of abduction and torture by suspected government intelligence agents.

Censorship or Content Restriction: The few small, privately owned wire services and media organizations generally practiced self-censorship, especially in news reports involving the military. Private cable and satellite channels also practiced self-censorship at times. The government continued to restrict and censor some published material, while blasphemy and anti-Ahmadi laws restricted publication on certain topics. Foreign books needed to pass government censors before being reprinted, but there were no reports of book bans during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure.

On November 14, the government ordered all cell phone operators to filter and block text messages passing through their systems that contained certain vulgar English and transliterated Urdu words. Cell phone operators were given seven days to comply with this ruling, but on the eve of the deadline, the largest telecoms operators in the country announced that the government agreed to delay implementation until all parties involved could reach a mutual agreement regarding the enforcement of the ruling. The order was not implemented by year's end.

In September a jirga of the Basikhel tribe, which forms half of the total population of Torghar District, KP, imposed a ban on the use of cell phones with cameras in its territory. In so doing it followed the example of the Madakhel tribe, which imposed a similar ban after a man was killed in June for taking a picture of a local woman.

Publishing Restrictions: Foreign magazines and newspapers were available. There were few restrictions on international media, with the important exception of a complete blockade of Indian television news channels.

Nongovernmental Impact: Militants and criminal elements killed, kidnapped, beat, and intimidated journalists and their families, leading many to practice self-censorship. Conditions for reporters covering the conflict in FATA, KP, and Balochistan remained difficult, with a number of correspondents detained, threatened, expelled, or otherwise prevented from covering events there by militant or local tribal groups. In a number of instances, militants attacked journalists' homes in retaliation for their reporting.

### **Internet Freedom**

Individuals and groups could express their views freely via the Internet and by e-mail. However, there were reports of some restrictions on Internet access and reports that the government monitored Internet use, some e-mail, and Internet chat rooms. According to a Freedom House report, the government justified politically motivated restrictions on Internet freedom as necessary for security purposes. There were also reports that the government attempted to control some Web sites, including extremist and proindependence Baloch Web sites. The provincial government in Balochistan blocked access to a Baloch human rights blog run by journalists.

The law creates a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. It also stipulates that cyberterrorism resulting in a death is punishable by the death penalty or life imprisonment.

On September 19, the Lahore High Court ordered the Ministry of Information Technology to block access to all Web sites "spreading religious hatred." The ruling came out of a case seeking a permanent ban on Facebook for hosting a competition of what were considered blasphemous caricatures of the prophet Mohammed. Facebook remained accessible at year's end.

While Google, YouTube, and Skype were accessible at year's end, on September 18, the local and international press reported that the interior minister announced that the government reserved the right to ban such Web sites and programs if they refused to assist the Federal Investigative Agency (FIA) in investigating crimes and terrorism.

The Pakistan Telecommunications Authority (PTA) is responsible for the establishment, operation, and maintenance of telecommunications and possesses complete control over all content broadcast over telecommunications channels. In

July the PTA ordered Internet service providers (ISPs) to report if customers were using virtual private networks (VPNs) and voice-over-Internet protocol (VOIP) to browse the Web or communicate. The PTA insisted that the ban on VPN access was intended to shut down illegal call centers and enable authorities to monitor potentially criminal behavior. At year's end VPNs and VOIP were both accessible.

Restrictions on Internet traffic were enforced during the year. Citing blasphemy laws, the PTA banned Internet users from accessing popular social networks, such as Facebook, after a user launched a contest to draw a cartoon of the Prophet Muhammad. The ban was enforced only sporadically. The restrictions also made it impossible for persons to access the Web site for *Rolling Stone* magazine after it published an article on the high proportion of the country's national budget apportioned to its military. The story quoted a column written in the *New York Times* that questioned military spending when more resources needed to be directed to fight militants and insurgent groups. Since it was not possible to block specific URLs on Web sites, the whole domain was offline to readers beginning in July. In November the press reported that the PTA also asked ISPs to block access to more than 1,000 pornographic Web sites; the PTA was compiling a list of an additional 170,000 sites to ban.

### **Academic Freedom and Cultural Events**

The government generally did not restrict academic freedom. However, members of student organizations, typically with ties to political parties, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. On some university campuses in Karachi, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the Muttahida Qaumi Movement) and the Islami Jamiat Talaba (affiliated with Jamaat-e-Islam), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently influenced the hiring of staff, admissions to universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response university authorities prohibited political activity on many campuses, but the ban had limited effect.

There was minor government interference with art exhibitions or other musical or cultural activities. The Ministry of Culture operated the Central Board of Film

Censors, which previewed and censored sexual content in foreign and domestic films before exhibition in the country. In August a police station house officer reportedly beat a gallery owner and abused patrons because of their preferences in dress and art.

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

The law provides for freedom of assembly and freedom of association, subject to restrictions.

#### **Freedom of Assembly**

Although the constitution provides for the freedom of assembly, in practice the government placed selective restrictions on it. By law district authorities can prevent gatherings of more than four persons without police authorization. The law permits the government to ban all kinds of rallies and processions, except funeral processions, for reasons of security.

Authorities generally prohibited Ahmadis from holding conferences or gatherings.

There were several successful protests, strikes, and demonstrations throughout Sindh, both peaceful and violent. Law enforcement agencies did not have the capacity to intervene and prevent these gatherings. Karachi Electric Supply Company employees protested for nearly three months between May and July for the reinstatement of 4,500 employees the company dismissed in one day.

#### **Freedom of Association**

The constitution provides for freedom of association subject to restrictions imposed by law. According to the now-dissolved Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

During the year threats to civil society continued, with “softer targets” such as schools more frequently becoming a focus of attacks. On September 13, militants attacked a school bus in the suburbs of Peshawar, killing four children and the bus driver. On January 25, two workers of the NGO Balochistan Rural Support Program were shot and killed in the Ghanja Dori area of Mastung District in Balochistan.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country and for uninhibited foreign travel, emigration, and repatriation, but the government limited these rights in practice.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

In-Country Movement: The government's restrictions on access to certain areas of FATA, KP, and Balochistan, often for security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

Foreign Travel: The law prohibits travel to Israel, and the country's passports include a statement that they are "valid for all countries except Israel." Government employees and students must obtain "no objection certificates" from the government before traveling abroad. This requirement rarely was enforced for students.

Persons on the Exit Control List (ECL) were prohibited from foreign travel. Although the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name to the ECL. The ECL sometimes was used to harass human rights activists or leaders of nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

### **Internally Displaced Persons (IDPs)**

The government does not have laws to protect IDPs but implemented policies to assist them, meeting the UN *Guiding Principles on Internal Displacement*. Registration of women continued to be a problem. In more conservative regions of

the country, particularly rural areas, authorities did not uphold or enforce a woman's right to be registered.

At the end of 2010 approximately 1.2 million persons, mostly originating from FATA, remained displaced in KP. During the year the number of IDPs fluctuated due to militant activity, military operations, and ongoing IDP returns to KP and FATA. As of November more than 853,000 persons remained displaced in the northwest.

The majority of conflict-affected IDPs resided with host families, in rented accommodations, or, to a lesser extent, in camps. The government continued to consolidate and close IDP camps during the year. Of the three remaining, Jalozai camp in Nowshera District of KP hosted the largest in-camp conflict-affected IDP population, with 32,499 residents as of December, mostly from Bajaur Agency.

Military operations in Mohmand Agency early in the year and in Kurram Agency in the summer contributed to the total number of conflict IDPs in the country. In Mohmand the combined number of IDPs registered in the two camps (Danish Kohl and Nahqi) established to host families displaced by the conflict exceeded 35,000 at its peak. As of December both camps were closed with the remaining displaced (624 families with 3,758 individuals) moved to Jalozai camp in Nowshera District. More than 13,000 displaced families were registered as displaced in Kurram, with 3,000 families housed in the New Durrani camp and the remainder with host families or in government buildings.

The government continued to facilitate voluntary returns to multiple agencies with support from the international humanitarian community. As of December the government reported that nearly 23,000 families returned to Orakzai, 68,000 families returned to Bajaur, 41,600 families returned to Mohmand, and 6,500 families returned to South Waziristan.

The government required humanitarian organizations assisting civilians displaced by military operations to request nonobjection certificates (NOCs) to access Mohmand and Kurram agencies in FATA. The requirement to obtain NOCs delayed by approximately one to two weeks the delivery of UN assistance to Mohmand and Kurram beneficiaries. The government established IDP camps inside the agencies where the military operations took place, despite the access and security concerns raised by humanitarian agencies. Humanitarian agencies providing assistance in the camps were exposed to the danger of travelling to and

within FATA. There were no security incidents in the camps by year's end. UN agencies had access to the camps, and there were no reports of involuntary returns.

The government coordinated with the UNHCR the voluntary and safe return of IDPs. For IDPs who were not ready to return, the government coordinated support with the UNHCR and other international organizations. The World Food Program distributed food rations to IDPs displaced by conflict.

Heavy rainfall during the monsoon season affected more than five million persons, destroyed crops, and severely damaged thousands of homes in Sindh Province. An estimated 1.8 million persons were displaced to some 6,000 informal settlements during the height of the disaster. The Provincial Disaster Management Authority-Sindh led the relief efforts, with assistance from the National Disaster Management Authority, the Pakistani Red Crescent, and the armed forces. In contrast to the 2010 floods, the government initially believed that the Sindh monsoon floods, which started in early August, were within its capabilities. However, by September the government acknowledged that the disaster exceeded its capabilities and requested international assistance. On September 17, the UN and the government jointly released a Rapid Response Plan, requesting \$357 million to address flood-related relief needs until March 2012. The government and the international humanitarian community, including the UN, continued to discuss the development of a 12-month Early Recovery Framework. According to the Sindh Provincial Disaster Management Authority, as of December, 91 percent of displaced persons had returned to their areas of origin.

### **Protection of Refugees**

The country is a party to neither the 1951 UN Convention relating to the Status of Refugees nor its 1967 Protocol.

Access to Asylum: No legislation provides for asylum or refugee status. The country lacks a legal and regulatory framework for the management of refugees and migration. Although there is no legislation excluding asylum seekers and refugees from the provisions of the law regarding illegal entry and stay or conferring legal status, the government in most cases provided protection against the expulsion or involuntary return of registered refugees to countries where their lives or freedom would be threatened. The country cooperated with the UNHCR in protecting, assisting, and voluntarily repatriating Afghan refugees.

Since 1979 the government provided temporary protection to millions of refugees from Afghanistan. According to the UNHCR, at year's end an estimated 1.7 million registered Afghan refugees remained in the country, while another 52,096 voluntarily repatriated to Afghanistan between March 1 and December 31. The government and the UNHCR agreed to continue voluntary repatriation throughout the year (voluntary repatriation season usually ends in November and restarts in March) and remained in discussions about opening two additional Voluntary Repatriation Centers in KP, for a total of four in the country. There were no credible estimates of how many Afghans were undocumented or unregistered, but estimates put the number at more than one million. The law states that anyone born in the country is a citizen. However, the courts' interpretation of this law was that the principle of birth in the country could not be read in isolation and independently of the other sections of the act concerning citizenship by descent in the case of the children of Afghan refugees. The courts decided that given the "temporary" nature of Afghans' presence in the country, the law would not be applied to the Afghan population, and Afghan children therefore were not granted Pakistani citizenship. Under the Secure Card for Afghan Citizens project, the National Database and Registration Authority (NADRA) issued birth certificates to 776, 683 Afghan children below the age of 18, identifying them as Afghan citizens.

The government cooperated with the UNHCR to conduct a Population Profiling Verification and Response (PPVR) exercise and an Afghan Citizens' Contribution to Economy study for Afghans in the country. The PPVR, completed in December, was intended to provide the government and the UNHCR detailed information about the socioeconomic conditions and needs of Afghans in the country. In March 2010 the cabinet approved the Management and Repatriation Strategy for Afghans in Pakistan 2010-12, which along with voluntary repatriation contemplated the possibility of legal alternative stay solutions for refugees, including such measures as the following: issuing 150,000 work permits to registered Afghans for students, businessmen or investors, and skilled laborers; granting permanent residency to Afghan refugees' female-headed households; issuing business permits to refugees who have invested more than 5 million rupees (\$55,500); and encouraging Afghan students to continue or complete their studies in Pakistan. In March 2010 Prime Minister Gilani extended Proof of Registration (PoR, the official documents held by registered refugees that allow them to legally remain in Pakistan) status through December 2012. The government implemented some of the measures that the 2010-12 strategy contemplated, such as conducting a population profile, but had not implemented residency measures or issued work permits for Afghan refugees. The Ministry of States and Frontier Regions

approved a pilot project for issuance of 1,000 visas to Afghan refugees during the year under four categories, (students, businessmen, skilled/unskilled workers, and female-headed households). However, at year's end the rights attached to these visas were under negotiation.

The government generally abstained from forcibly returning Afghans with PoR cards, although from January to early September it deported 17 PoR cardholders. Refugees' PoR was due to expire in December 2012. There also were credible allegations that the government deported between 50 and 60 unregistered Afghans per week.

According to the UNHCR, fewer than half of registered Afghan refugees lived in 83 refugee villages in KP (71), Balochistan (11), and Punjab (one). Nearly 60 percent of registered Afghans lived in urban areas. More than half of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

Refugee Abuse: Refugees faced societal discrimination and abuse from local communities, who resented economic competition and blamed refugees for high crime rates and terrorism. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

Police in many cases demanded bribes from refugees. There were credible reports that members of the intelligence services also harassed refugees. There were also many reports of extortion of refugees who participated in the UNHCR's voluntary repatriation process, since such refugees were known to receive repatriation grants (\$150 in cash assistance per family member upon return to Afghanistan).

Employment: Refugees were not allowed to work legally, but many worked as day laborers or in informal markets. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces.

The government did not authorize the former residents of Azakhel, an Afghan refugee village in KP destroyed by the 2010 floods, to return to their destroyed village to rebuild it. The village stands on valuable land that land speculators sought to seize for development following the floods. By mid-July nearly 23,000 Afghans still were displaced from Azakhel, living in tents near the village or staying with relatives or in rented rooms. The UNHCR was assisting these families until the government authorized them to return to the village. The

refugees did not regard alternative camp sites offered to them as viable for earning livelihoods.

Access to Basic Services: Afghan refugees could avail themselves of the services of the police and courts, but some, particularly the poor, were afraid to do so. Any refugee registered with both the UNHCR and the government-run Commissionerate of Afghan Refugees is, in theory, able to obtain admission to public education facilities after filing the proper paperwork. In practice most registered Afghans attended private Afghan schools or schools sponsored by the international community. There were no reports of refugees being denied access to health facilities on the basis on nationality.

In many instances local governments or even individuals determined which rights and services Afghan refugees could use. For example, the governor of the State Bank decided that Afghans could not have bank accounts, but NADRA regularly verified for banks the identity of refugees who wished to open accounts.

Although there is no legislation specifically permitting Afghans to obtain a driver's license, Afghans drove a large percentage of the trucks in KP. Although there were a number of Afghan schools funded by foreign assistance, Afghan children usually had no problem attending the country's primary schools. For older students, particularly in cities, access was harder. Even Afghans who grew up in the country needed a student visa to attend the country's universities, but they qualified for student visas on the basis of their PoR cards.

Durable Solutions: For the mainstreaming of refugee programs in the development and annual programs of UN agencies, the UNHCR signed memoranda of understanding with UNESCO, the World Health Organization, UNICEF, and the UN Entity for Gender Equality and the Empowerment of Women to strengthen partnerships in finding durable solutions for Afghan refugees. Under the Refugee Affected and Hosting Areas (RAHA) initiative, a joint initiative among the government, UN, and implementing partners under the framework of UN reforms in Pakistan, more than 575 projects had been completed since the RAHA initiative's launch in 2009, mainly in the provinces of Balochistan and KP, which were both home to high concentrations of Afghan refugees.

The government did not accept refugees for resettlement from other countries or facilitate local integration. While the government did not have a system to confer refugee status or asylum, it generally abstained from forcibly returning other foreigners with asylum certificates or refugee cards granted by the UNHCR, which

had the responsibility of determining refugee status in the absence of government procedures.

### **Stateless Persons**

Statelessness continued to be an issue during the year. There is no national legislation on statelessness. International and national agencies estimated there were possibly thousands of stateless persons deriving from the breakup of India and Pakistan, and of Pakistan and Bangladesh.

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

The law provides the majority of citizens with the right to change their government peacefully, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, Azad Kashmir, and FATA have different political systems, and of these only FATA had representation in the national parliament.

Residents of FATA are represented in the national parliament but do not have a voice in federal decision making over the tribal areas, an authority that belongs to the president. Tribal residents do not have the right to change their local government, because unelected civilian bureaucrats nominally ran the tribal agencies. The elected councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. In August President Zardari signed the Extension of the Political Parties Order 2002 to the Tribal Areas. Through this decree the government allows political parties to operate freely in FATA.

Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president who is elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections, and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, the federal government exercised considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercised significant influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers.

The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir's accession to Pakistan were barred from the political process, government employment, and educational institutions. They also were subject to surveillance, harassment, and sometimes imprisonment by security services.

### **Elections and Political Participation**

Recent Elections: In 2008 the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Prime Minister Gilani. The elections were postponed multiple times, the last time due to the assassination of PPP leader Benazir Bhutto in 2007. In the 2008 indirect presidential election, Asif Ali Zardari, Bhutto's widower, became president, succeeding Pervez Musharraf, who had resigned. The broad coalition government was dissolved in 2009, leaving the PPP to govern with a smaller majority in league with several partners.

For the 2008 elections, the Election Commission of Pakistan (ECP) reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU and Democracy International also observed. In 2008, for the first time in the country's history, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency. The government permitted all existing political parties to contest the elections; although several boycotted, the largest parties participated. International and domestic observers found the 2008 parliamentary election competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process.

Security services and feudal landlords intimidated voters and political parties throughout the country, according to FAFEN. In particular, observers noted that some police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did not allow rallies for opposition parties and pressured individuals to vote for certain parties. FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The International Foundation for Electoral Systems noted that formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

Political Parties: There were no undue restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views. In Balochistan there were reports that both security agencies and separatist groups harassed local political parties such as the Balochistan National Party and the Balochistan Student Organization.

Participation of Women and Minorities: No laws prevent women from voting; however, cultural and traditional barriers in tribal and rural areas impeded some women. There are 60 seats in the National Assembly reserved for women. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections to the general seats. Of the 758 seats in provincial assemblies, 128 were reserved for women. One-third of the seats in local councils were reserved for women. In some districts social and religious conservatives prevented women from becoming candidates. Women also participated actively as political party members but were not always successful in securing leadership positions within parties, with the exception of in the women's wing.

In the December by-election in Kohistan, Khyber-Pakhtunkhwa, a jirga was held in which tribal leaders decided to bar women from voting, calling female political participation "against Islam" and "against tribal tradition." According to FAFEN, only three of 18,000 female registered voters cast a ballot in the by-election. Based on these results, FAFEN asked the ECP to void the results "due to significant electoral irregularities," but no decision on the matter was made by year's end.

The government required voters to indicate their religion when registering to vote. In order to register to vote, the government required Ahmadis to declare themselves as non-Muslims. Ahmadis consider themselves Muslims, and as a result, the community was unable to vote.

The constitution reserves four seats in the Senate for religious minorities--one for each of the four provinces. These seats are filled through indirect elections held in the provincial assemblies. Ten National Assembly seats are reserved for members of religious minorities. The seats are apportioned to parties based on the percentage of seats each won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab, nine in Sindh, three in KP, and three in Balochistan.

Women and minorities are also allowed to contest for unreserved seats.

#### **Section 4. Official Corruption and Government Transparency**

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

On March 15, the FIA arrested former religious affairs minister Hamid Saeed Kazmi in a case relating to his alleged corruption in arranging residential accommodations for Pakistani hajj pilgrims in Saudi Arabia in 2010. The case was pending in the Supreme Court at year's end.

The National Accountability Bureau (NAB) serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement. During the year the NAB was ineffective, largely because it did not have a chairman or prosecutor general and was poorly funded. Government officials forced the former NAB chairman to resign in June 2010 but did not appoint a new NAB chairman until October. The new anticorruption leader spent the remaining part of the year working to fill vacant positions and seeking appropriate funding levels needed to carry out adequately the NAB's mandate.

The Competition Commission of Pakistan is an independent, quasi-regulatory, quasi-judicial body that worked to ensure competition between companies to enhance economic efficiency and protect consumers from anticompetitive behavior. The organization sought to prohibit corrupt activities, such as collusive practices, abuse of market dominance, deceptive marketing, and illegitimate mergers and acquisitions. Despite dynamic leadership, active community engagement, and lower-level court decisions against businesses engaged in anticompetitive activities, the commission was hindered by insufficient government funding and the slow progress of its cases in the judicial court of appeals.

The 2007 National Reconciliation Ordinance (NRO), promulgated under former president Pervez Musharraf, provided an amnesty mechanism for public officials who were accused of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 12, 1999. In December 2009 the

Supreme Court declared the NRO null and void and reopened all 8,000 cases against those who had received amnesty, including the president, ministers, and parliamentarians. In January 2010 the Zardari government filed a review petition challenging the Supreme Court's 2009 decision and requesting its review. On November 25, the Supreme Court dismissed the government's review petition, upholding its earlier decision finding the NRO null and void.

Corruption within the lower levels of the police was common. A July 2010 survey by Transparency International noted that the major cause of corruption was lack of accountability, followed by low salaries. Some police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that appointments of station house officers were politicized.

Widespread allegations of corruption plagued the government's rental power plant projects (RPP), which were a priority in 2008-09 to address the country's acute energy shortage. Citizens and parliamentarians accused government officials of providing financial kickbacks and awarding extravagantly priced rental power plants to their close acquaintances. In December 2010 and January 2011, the Supreme Court found two power companies guilty of receiving more than 970 million rupees (\$10.8 million) in advance payments to provide electricity but failing to commence commercial operations by the agreed date. The court ordered both companies to return the funds advanced, and the government abandoned the RPP power project as a policy priority.

Anecdotal reports persisted about corruption in the district and sessions courts, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked the requisite independence and sometimes were pressured by superior court judges as to how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government's control over the court system.

The law allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. The bodies must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those that would be harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of

the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Other groups that reported on issues implicating the government, military, or intelligence services faced restrictions on their operations. Very few NGOs had access to KP, FATA, and some areas in Balochistan. While government officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The PPP-led government delayed or blocked issuance of visas to international staff members of organizations whose work challenged the image of the government. There were also reports that security agencies blocked the issuance of visas for international staff members due to concerns about their activities and links to foreign governments.

Security threats were a problem for NGO workers due to the instability in FATA and KP, and organizations that promoted women's rights faced particular challenges.

The government sometimes sought international organization and NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported that they generally had access to police stations and prisons. The government permitted international nongovernmental human rights observers to visit the country.

Government Human Rights Bodies: The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful fora in which to raise public awareness of such problems, but their final decisions generally adhered to government policy. The committees did not do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several areas.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution 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 each of these factors. Two new laws were passed to protect women: one to enhance the penalties for acid attacks, the other to criminalize practices intended to prevent women from marrying, being given to settle disputes, or inheriting property.

## **Women**

Rape and Domestic Violence: Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is either death or life imprisonment, but in practice sentences were often less severe. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime under the current penal code.

Under the law the crime of rape falls under the jurisdiction of criminal rather than Islamic courts. The NGO Aurat Foundation estimated that 88 percent of women in prison were convicted of adultery, many of them after reporting rape. Under the law in cases of rape police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's consent. The law requires a complaint to be made directly to a sessions court. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it difficult for women to go to the police, NGOs reported that it created other barriers for rape victims who did not have money to travel to the courts or access to the courts. Rape continued to be a severely underreported crime.

In December 2010 the Federal Shariat Court (FSC) declared several clauses of the law un-Islamic and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. The FSC directed its judgment to the federal government, as well as the provincial and Islamabad high courts for implementation. The federal government appealed the FSC's decision to the Supreme Court in May. The Supreme Court had not set a hearing date by year's end.

There were no reliable national, provincial, or local statistics on rape due to underreporting and the lack of any centralized law enforcement data collection

system. However, based on media reports, the Aurat Foundation estimated that nationally 396 women were raped between January and June.

Prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to assess real cases and proceed with prosecution. NGOs reported that police at times were implicated in rape cases. NGOs also alleged that police sometimes abused or threatened victims, demanding that they drop charges, especially when police received bribes from suspected perpetrators. Some police demanded bribes from some victims before registering rape charges, and investigations were sometimes superficial. While the use of post-rape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extra-judicial resolutions to rape accusations were common, with a victim often forced to marry her attacker.

In September the family members of Kainat Soomro, a 2007 gang rape victim, were attacked in Karachi. In June 2010 Sabir Soomro, the brother of Kainat Soomro was found dead near Khuzdar, Balochistan. The family alleged that the perpetrators had been pressuring the family to withdraw the case. All four accused men previously had been acquitted and released. At the end of June 2010, President Zardari ordered a new inquiry; there was no new information on the inquiry at year's end.

On April 21, a three-member bench of the Supreme Court, headed by Justice Shakirullah Jan, upheld the original verdict of the Lahore High Court in the Mukhtar Mai gang-rape case. Initially 14 defendants were charged with either rape or collusion to commit rape; eight of the defendants were acquitted in the original trial. Of the six convicted of rape by the trial court, five were acquitted on appeal, and the sixth had his death sentence commuted to life imprisonment. In May Barrister Aitzaz Ahsan filed a review petition. The petition sought a review of the three-member bench decision by a large bench. This petition remained pending at year's end.

Rape by police officials also was a problem (see section 1.c.).

No specific law prohibits domestic violence, which was a widespread and serious problem. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives

of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the media reported 8,539 cases of violence against women, a decrease from 2010. The foundation's data showed there were reports of 1,575 women killed, 2,089 abducted, 610 victims of domestic violence, 110 sexually assaulted, 44 victims of acid attacks, 29 victims of burning, 827 raped, and 758 as having committed suicide. The foundation noted that their analysis attributed the reduction in reporting to a declining law and order situation in Sindh and Balochistan as well as flooding in July.

According to a 2008 HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands, and nearly 50 percent of wives in developed urban areas admitted that their husbands beat them.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.

To address societal norms that frowned on victims who reported gender-based violence and abuse, the government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. Men are also able to utilize these police stations. The 12 women's police stations in the country were located in Karachi (3), Larkana (1), Hyderabad (1), Sukkur (1), Lahore (1), Faisalabad (1), Rawalpindi (1), Peshawar (1), Abbottabad (1), Quetta (1), and the Islamabad Capital Territory (ICT) in Islamabad City. Women's police stations continued to struggle with understaffing and limited equipment. Training for female police officers and changing cultural assumptions of male police officers also remained challenges. Due to restrictions on women's mobility and social pressures related to women's public presence, utilization of women's police centers was limited, but NGOs and officials reported that use was growing and that more centers were needed.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed

Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to “darul aman” (approximately 200 centers for women and child victims established with funds from the Provincial Women Development Department). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers were full beyond capacity and lacked sufficient staff and resources. In some cases women were abused at the government-run shelters, found their movements severely restricted, or were pressured to return to their abusers.

Harmful Traditional Practices: Women were victims of various types of societal violence and abuse, including honor killings; facial, bodily, and genital mutilation; forced marriages; imposed isolation; and being used to settle disputes. Women often were treated as chattel, and perpetrators were often husbands and other male family members.

Hundreds of women reportedly were victims of honor killings. Many cases went unreported and unpunished. The Aurat Foundation reported 382 honor killings between January and June and estimated that less than 2 percent of all honor killings were reported. The practice of “karo-kari” continued across the country. (Karo-kari is a form of premeditated honor killing that occurs if a tribal court or jirga determines that adultery or some other “crime of honor” occurred. Karo-kari means “black male” (karo) and “black female” (kari), metaphoric terms for someone who has dishonored the family or is an adulterer or adulteress.) Once a woman is labeled as a kari, male family members have the self-authorized justification to kill her and any co-accused karo to restore family honor. In many cases the karo is not killed or is able to flee.

Human rights groups criticized the law banning karo-kari because it allows the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges.

Police in Sindh established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take some action against a limited number of perpetrators.

The practice of cutting off a woman's nose or ears, especially in relation to honor crimes, was reported (also see section 1.c.). For example, on June 20, Muhammad Riaz cut off his 22-year-old wife's nose before turning himself over to police in Haripur, KP. He accused his wife of having an affair.

Many young girls and women were victims of forced marriages arranged by their families. Although forced marriage is a criminal offense and many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families continued the practice of sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and KP. In rural Sindh landowning families continued the practice of "marriage to the Qur'an," forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Qur'an remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not to contact anyone outside their families.

In response to these issues, on December 12, the Senate unanimously passed the Prevention of Anti-Women Practice Amendment 2008. The law criminalizes and punishes giving a female in marriage as consideration to settle a civil or criminal dispute; depriving a woman of her rights to properly inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Qur'an, including forcing her oath on the Qur'an to remain unmarried or not to claim her share of an inheritance. During the same session the Senate also unanimously passed the Acid Control and Acid Crime Practice Bill 2010, which makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. These laws are not applicable to FATA and PATA unless the president issues a notification in this regard.

A third bill, passed on December 13, promises economic and other support to women in prison who are unable to defend themselves legally or post bail for lack of familial support and funds.

NGOs and women's activists stressed that while these laws were positive steps, implementation remained a serious challenge.

Sexual Harassment: Sexual harassment was a widespread problem. Press reports indicated that harassment was especially high among domestic workers and nurses. In a survey conducted by the *Daily Times* in August 2010, female government and private sector employees complained about the abusive behavior of their male colleagues and senior officials. They said some officers sought "undue favors" by blocking salaries, benefits, promotions, transfers, and postings.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and reproductive rights. They often lacked information and means to access care. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy. Access by women, particularly in rural areas, to health and reproductive rights education remained difficult due to social constraints. For these same reasons data collection was also difficult.

Only 39 percent of births took place in the presence of a skilled birth attendant; within the poorest 20 percent of the population, this figure dropped to 16 percent. According to the *2006-2007 Demographic and Health Survey*, 35 percent of women received no prenatal care. According to UNICEF's data, 61 percent of woman received antenatal care at least once during their pregnancy or delivery, with only 28 percent receiving it four times or more.

According to UNICEF's *2009 State of the World's Children Report*, the country had a maternal mortality rate of 276 deaths per 100,000 live births; the high rate was attributed to lack of information and services. Women in rural areas were at twice the risk of dying of birth-related causes than women in urban areas (maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA.

According to a 2007 UN Population Fund estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. Women were less likely than men to be diagnosed and treated for sexually transmitted infections, due to the social stigma attached to visiting a doctor, among other factors. According to the UNAIDS 2009 report, the country had an estimated 98,000 HIV cases, of which approximately 28,000 were women age 15 or older; the National Aids Control Program (NACP) estimated that only 5 percent of cases were actually recorded. Although HIV prevalence among women was less than 1 percent, some groups of women, including professional prostitutes, women, and girls forced into prostitution, and wives of migrant workers were highly vulnerable.

Discrimination: Women also faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but in practice authorities did not enforce this provision. Women faced discrimination in family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. However, 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, as their families ostracized them. Women are legally free to marry without family consent, but women who did so often were ostracized or faced becoming the victims of honor crimes.

The inheritance law also clearly discriminates against women; however, the 2008 Anti-Women Practices Act, passed in December, made it illegal to deny women's inheritance of property by deceitful means. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal entitlement.

Women also faced significant discrimination in employment and frequently were 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 men other than relatives.

## **Children**

Birth Registration: Citizenship is derived by birth in the country; however, for children born abroad after 2000, citizenship can be derived by descent, if either the

mother or the father is a citizen and the child is registered with the proper authorities (see section 2.d., Protection of Refugees, for an exception regarding Afghan refugees).

Reporting of births is voluntary, and records are not kept uniformly, particularly in rural areas where children are born at home. In lieu of a birth certificate, individuals often used school records attested to by the headmaster or principal of the school, or matriculation certificates, both of which identify the father and the date of birth. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. The number of unregistered births was not available. While the government reported that more than 75 percent of the population was registered, actual figures may be lower. Public services, such as education and health care, were available to children without a birth certificate.

Education: The constitution mandates that the government provide free and compulsory education to all children between the ages of five and 16. In practice government schools often charged parents for the cost of books, uniforms, and other materials. Parents of lower economic means sometimes chose to send children to madrassahs, where they received free room and board, or to NGO-operated schools.

According to government estimates (2009-10), 57.7 percent of the population over age 10 was literate and 45.3 percent of women were literate, reflecting more limited educational access for girls. Many NGOs believed that the actual percentages were much lower, particularly in rural and tribal areas. More than 40 percent of girls never enroll in school.

The biggest barrier to girls' education was the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide separate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than for boys across the board.

Medical Care: Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child Abuse: Child abuse was widespread. Young girls and boys used as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. According to an August 26 article in *Dawn*, more than 170,000 children lived on the streets. Up to 90 percent were abused sexually on the first night that they slept outside, and 60 percent accused police of sexually abusing them.

The penal code defines statutory rape as sexual intercourse with a female younger than age 16. The punishment for rape is death or 10 to 25 years' imprisonment and a fine. Gang rape is punishable by death or life imprisonment.

There were no known limits on child IDPs' access to government services, although some civil society organizations demanded improvement in these services.

Child Marriage: Despite legal prohibitions, child marriages occurred. The act sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, 1,000 rupees (\$11), or both. In practice the penalties were too low to have any deterrent effect.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In 2008 the Family Planning Association of Pakistan estimated that child marriages made up 32 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

Sexual Exploitation of Children: Child pornography is illegal under obscenity laws. Children were sold into prostitution (see section 7.c.). Socioeconomic vulnerabilities led to the sexual exploitation of children, as well as the trafficking of children for sexual exploitation. Many children working in exploitative begging situations at bus terminals and on the side of the road were abused sexually and physically.

Karachi and interior Sindh saw an increase in cases of sexual abuse of children in madrassahs. A tribal council in Jacobabad charged a local Deobandi cleric with confining and sexually abusing a young girl for a period of one year at the madrassah he operated. On December 13, Sindh police raided a Deobandi madrassah on the outskirts of Karachi and discovered 68 captive boys, many of whom reported sexual abuse by the custodians of the madrassah.

Infanticide: According to the Edhi Foundation, only 480 dead infants were recovered during the year, a decrease from 1,210 dead infants found during 2010. An Edhi Foundation official stated that they believed the decrease resulted from increased police. The death toll was greater among girls; nine of 10 dead infants that the charity found were girls. Edhi reported that up to 200 infants were left in its 400 cradles nationwide each year and that it handled thousands of requests for adoption by childless couples. By law anyone found to have abandoned an infant can be jailed for seven years, while anyone guilty of secretly burying a child can be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

There were no known Jewish communities in the country. Anti-Semitic sentiments were widespread in the vernacular press. In one case the magazine *Nazaria-e-Pakistan* published an article containing claims that "Judaism and Brahmanism are names for racism" and referring to "the international Jewish drama of 9/11."

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the Ministry of Social Welfare and Special Education in April, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level specifically the percentages for those out of school were 50 percent for girls and 28 percent for boys.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice this right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation rarely was enforced. The NCRD provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. However, voting was difficult for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Systematic discrimination against national, ethnic, and racial minorities was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Consensual same-sex sexual conduct is a criminal offense; in practice, the government rarely prosecuted cases. Gay men and lesbians rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Systematic discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Society generally shunned transgender, eunuchs, and hermaphrodites, referred to as “hijras,” who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras’ families often denied them their fair share of inherited property.

On November 14, the Supreme Court ordered the national Election Commission to reach out to the hijra community and register them to vote in advance of the March 2012 Senate elections.

### **Other Societal Violence or Discrimination**

Societal attitudes toward HIV-positive individuals were changing, but social discrimination continued. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. In addition to operating treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The Ministry of Health established 13 HIV treatment and care centers nationwide, which provided comprehensive HIV care services.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution states that “every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law.” The 18th amendment to the constitution devolved matters pertaining to labor legislation and policies to the four provinces. It stipulated that in the interim period, laws would remain in force “until altered, repealed, or amended by the competent authority,” that is, the provincial governments. Under the 18th amendment, devolution was completed on June 30.

The International Labor Organization (ILO) noted that the passage of provincial Industrial Relations Acts (IRAs) governing labor relations took place without tripartite consultation and without resolution of identified weaknesses and ambiguity in the former federal legislation, including the inability of agricultural workers to form worker associations. At the provincial levels, collective bargaining rights continued to exclude banking and financial sector workers,

forestry workers, hospital workers, self-employed farmers, and persons employed in an administrative capacity or managerial capacity whose wages exceeded 8,000 rupees (\$89) per month.

Despite passage of the four provincial-level IRAs, there was no federal-level law covering nationwide or transprovincial unions between April 2010 and July 2011, meaning that such organizations had no authority to exist and no mandate. This legal gap included unions at nationwide entities such as Pakistan International Airlines and the Pakistan Water and Power Development Authority (WAPDA).

In addition labor unions and activists noted that without any federal-level legislation or federal-level entity responsible for labor, the continued existence of the National Industrial Relations Commission (NIRC) stood in question, and there was no government representative to respond to or negotiate with international labor bodies such as the International Labor Organization (ILO), the World Trade Organization, or the UN on international commitments signed by the government. As a result the president issued the Industrial Relations Ordinance in July, which was extended in November until March 7, 2012, with no possibility of further extension. The National Assembly did not pass a federal bill to cover the ICT and transprovincial unions by year's end. Labor organizations noted that if no federal-level legislation was passed before the ordinance expires in March 2012, the NIRC would cease to exist. Additionally, without federal-level legislation there would be no labor law in the ICT, no entity capable of bilateral or multilevel labor-related negotiations, no single clearinghouse to ensure compliance with international norms, and no legal umbrella for transprovincial unions (and all unions registered in the ICT). By year's end there was no settled mechanism for resolving interprovincial inequities or disputes, or nationwide labor questions involving large corporations or groups of workers.

In addition to these concerns, labor unions and worker organizations noted several deficiencies in the provincial IRAs, including Sindh's adoption of the federal legislation without modification of the language to reflect that it was now a provincial law, and Punjab's IRA, which prohibits labor organization in companies with fewer than 50 workers. Worker organizations also noted that capacity and funding for labor relations implementation at the provincial level was limited and that there was controversy over the federal government's decision to maintain control of the Workers Welfare Fund and Employees Old-Age Benefits Institution.

Laws in place at the time of devolution not "altered, repealed, or amended by the competent authority" remained in effect. One such law prohibits state

administrators, government and state enterprises, and workers in export processing zones (EPZs) from collective bargaining and striking, as well as strikes by public sector workers and workers in nonessential services. While still in effect, labor groups reported that the law was not applied during the year. The provincial industrial relations acts also address and limit strikes and lockouts. For example, the Khyber Pakhtunkhwa Industrial Relations Act specifies that where any “strike or lockout lasts for more than 30 days, the government may, by order in writing, prohibit the strike or lockout” and must then refer the dispute to a labor court.

Other federal-level laws also define illegal strikes, picketing, and other types of protests as “civil commotion,” which carries a penalty of up to life imprisonment; deems any gathering of four or more persons subject to police authorization, a provision that authorities may use against trade union gatherings. Devolution did not alter the federal government’s authority on criminal matters.

Labor groups, international organizations, and NGOs continued to express concern about the devolution of the laws, noting that certain labor issues, including minimum wages, worker rights, national labor standards, and observance of international labor conventions, should remain within the purview of the federal government. Observers also continued to raise concerns about the provinces’ varying capacity and commitment to adopt and enforce adequate labor laws. In 2010 labor unions filed two petitions challenging the full devolution of labor issues to the provinces; the petitions remained pending at year’s end.

Labor leaders also stressed the need for legislation to cover the rights of workers in the informal and agricultural sectors.

Enforcement of labor laws remained weak, in large part due to lack of resources and political will. Although some unions were affiliated with political parties, most functioned independently of government and political party influence. Labor leaders anecdotally raised concerns about the use of “yellow unions” by employers to prevent effective unionization.

There were no reported incidents of the government dissolving a union without due process.

Unions were able to organize large-scale strikes. Widespread protests in October by the Pakistan Electric Power Corporation (PEPCO) and WAPDA labor unions against PEPCO’s dissolution resulted in President Zardari intervening and delaying the dissolution and power-sector reform process. In July doctors in Islamabad

went on strike for nearly two months to protest pay and contract benefits, health-service structures, and the failure to convert contractors to direct hires. Indefinite intermittent strikes by medical workers, including doctors and paramedical, clerical, nursing, and janitorial staff, continued at year's end.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, cancels all existing bonded labor debts, forbids lawsuits for the recovery of such debts, and establishes the district vigilance committee system to implement the act. The ILO noted that federal and provincial acts prohibit employees from leaving their employment without the consent of the employer, or from striking, as doing so subjects them to penalties of imprisonment that may involve compulsory labor.

The federal law largely was unenforced by the government due to technical flaws, federal and local government structural changes, and a lack of budget implementation. As a result, when law enforcement officers registered bonded labor offenses, they did so under other sections of the penal code, including kidnapping and illegal confinement.

The use of forced and bonded labor continued to be widespread and was common in many industries across the country. NGOs reported that more than one million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was most common in agriculture and the brick, glass, carpet, and fishing industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers' illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers' movements with armed guards or sold laborers to other employers for the price of the laborers' debt.

Boys and girls also were bought, sold, rented, or kidnapped to work in organized, illegal begging rings, domestic servitude, and agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their children, who later were exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. NGOs and police reported markets where girls and women were bought and sold for labor.

Some bonded laborers returned to their former status after they were free, due to a lack of alternative employment options. Ties between landowners, industry owners, and influential politicians hampered effective elimination of the problem. For example, some local police were unable to pursue landowners or brick-kiln owners effectively because they believed that their efforts to carry out investigations according to the law would not be supported by higher-ranking police officers who would be pressured by politicians or the owners themselves.

The KP, Punjab, and Sindh ministries of labor continued to register brick kilns and workers to regulate the industry better and ensure that workers had access to labor courts and other services. The Punjab Department of Labor also continued a project to combat bonded labor in brick kilns, through which it helped brick-kiln workers obtain national identity cards and interest-free loans, and also opened schools at brick kiln sites.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution expressly prohibits the employment of children below the age of 14 in any factory, mine, or other hazardous site. However, there is no minimum age for work in nonhazardous sectors.

The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. Children are not allowed to work overtime or at night, and a child should have one day off per week. In addition the law requires employers to keep a register of children working for them for labor inspectors to verify. These prohibitions and regulations do not apply to family businesses or government schools.

The law protects all children younger than age 18 from exploitation and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees (\$556) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag-picking, port areas, fireworks, and other hazardous occupations, and it regulates their work conditions. The government considers four occupations and 34 processes illegal for children, including street vending, surgical instrument manufacturing, deep-sea

fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving. Despite this, there were reports of children working in all of these areas.

The Ministry of Labor, Manpower, and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. In reality enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible to corruption. Devolution also compounded these problems. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

Authorities often did not impose penalties on violators; when they did, the penalties were not a significant deterrent. Although authorities obtained hundreds of convictions for violations of child labor laws, the fines were generally considered too low to deter violations.

Due to weak government enforcement of child labor laws, child labor remained pervasive. NGOs and government sources noted that the 2010 and 2011 floods proved devastating for children, with the destruction of schools and dire financial situations compelling families to put children to work. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work.

Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since by law inspectors may not inspect facilities employing fewer than 10 persons.

Children were forced to work in the brick-kiln, glass bangle, and carpet-weaving industries, as well as agriculture, as part of fulfilling their families' debt obligation to feudal landowners or brick-kiln owners. UNICEF estimated the number of children working in brick kilns at 250,000. In a March 2009 report, the National Coalition against Child Labor stated that there were 1.7 million persons in bonded labor in the agricultural sector, including children.

Poor rural families sometimes sold their children into domestic servitude or other types of work, or paid agents to arrange for such work, often believing that their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

Children also were kidnapped and/or sold into organized begging rings, domestic servitude, and child prostitution.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The federally set minimum wage for unskilled workers is 7,000 rupees (\$78) per month, increased in 2010 from the previous wage of 6,000 (\$67) per month. Provincial governments' minimum wage boards set skilled and semiskilled sector minimum wages. The sectors specified and minimum wages vary by province. The government's 2011 Economic Survey considered the poverty line to be 3,389 rupees (\$37.68) per month. Significant sectors of the workforce, including those in the informal sector, domestic servants, and agricultural workers, were not covered by minimum wage laws.

The law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. Additional benefits required under the labor code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, or contractors. In addition such workers do not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The inapplicability of many labor laws and the lack of enforcement by the government gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay.

Provincial governments have primary responsibility for enforcing national labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. In both Sindh and Punjab, provincial policies against surprise inspections severely limited effective enforcement. Balochistan and KP continued to allow surprise inspections. Many workers remained unaware of their rights, especially in the informal sectors. Given the serious restrictions on labor inspections and the impact of limited resources and corruption, inspections and concomitant penalties were insufficient to deter violations of labor laws.

Health and safety standards were poor in all sectors. There was a serious lack of adherence to mine safety and health protocols. For example, many mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Informal sector employees faced multiple precarious situations, particularly in less visible, informal sectors such as domestic work. There were no official statistics on workplace fatalities and accidents during the year.