



COUNTRY OF ORIGIN INFORMATION REPORT

PAKISTAN

30 JULY 2008

Contents

Preface

Latest News

EVENTS IN PAKISTAN FROM 12 JULY 2008 TO 30 JULY 2008

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 12 JULY 2008 AND 30 JULY 2008

Paragraphs

Background Information

1. GEOGRAPHY	1.01
Map	1.05
2. ECONOMY	2.01
3. HISTORY	3.01
4. RECENT DEVELOPMENTS	4.01
Political Events in 2007 to present	4.01
State of emergency (3 November to 15 December 2007).....	4.07
The assassination of Benazir Bhutto.....	4.13
Parliamentary elections and the new government.....	4.14
Militant activity	4.23
5. CONSTITUTION	5.01
6. POLITICAL SYSTEM	6.01
Federal Legislature.....	6.01
Provincial Governments.....	6.03
“Azad” Kashmir	6.05
Line of Control.....	6.07
Current situation.....	6.09
Northern areas	6.11

Human Rights

7. INTRODUCTION	7.01
8. SECURITY SITUATION	8.01
9. SECURITY FORCES	9.01
Police	9.01
Arbitrary arrest and detention.....	9.09
Torture.....	9.12
Extra-judicial killings.....	9.16
Armed forces	9.17
Other government forces	9.20
Intelligence agencies.....	9.20
10. MILITARY SERVICE	10.01
11. JUDICIARY	11.01
Organisation	11.01
Shariat Courts (Islamic Law).....	11.08
Anti-Terrorism Act and Courts.....	11.10
National Accountability Bureau (NAB).....	11.13
Military Courts and the Army Act.....	11.16

Federally Administered Tribal Areas.....	11.19
Tribal Justice System.....	11.20
Independence and Fair trial.....	11.28
Double jeopardy.....	11.33
Penal Code.....	11.35
Text of the Penal Code.....	11.35
Qisas and Diyat Ordinances.....	11.36
Blasphemy laws.....	11.39
Hudood Ordinances.....	11.40
12. ARREST AND DETENTION – LEGAL RIGHTS.....	12.01
13. PRISON CONDITIONS.....	13.01
14. DEATH PENALTY.....	14.01
15. POLITICAL AFFILIATION.....	15.01
Freedom of association and assembly.....	15.01
Opposition groups and political activists.....	15.05
Lawyers.....	15.08
16. FREEDOM OF SPEECH AND MEDIA.....	16.01
Journalists.....	16.08
17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS.....	17.01
18. CORRUPTION.....	18.01
Fraudulent documents.....	18.03
19. FREEDOM OF RELIGION.....	19.01
Overview.....	19.01
Demography.....	19.06
Constitution and Legislation.....	19.08
Blasphemy Laws.....	19.09
Hudood Ordinances.....	19.18
Anti-Terrorist Laws.....	19.21
Apostasy.....	19.22
Provincial Law – North West Frontier Province.....	19.24
Inter-faith marriage.....	19.26
Fatwa.....	19.29
Voting rights.....	19.38
Ahmadis.....	19.42
Background.....	19.42
Demography and distribution.....	19.45
Legislation discriminating against Ahmadis.....	19.47
Passports and ID cards.....	19.51
Bai'at.....	19.53
Khatme Nabuwaat.....	19.54
Current situation.....	19.57
Societal discrimination.....	19.71
Christians.....	19.75
Demography.....	19.75
Current situation.....	19.76
Shi'a and Sunni Muslims.....	19.84
Background.....	19.84
Demography.....	19.86
Sectarian violence.....	19.88
20. ETHNIC GROUPS.....	20.01
Mohajirs.....	20.05
Background.....	20.05
Formation of MQM.....	20.06
Current situation.....	20.09

21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS	21.01
Legal rights	21.01
Government and societal attitudes	21.05
Transgender/transsexuality	21.10
22. DISABILITY	22.01
23. WOMEN	23.01
Overview	23.01
Legal rights	23.05
Women's Protection Act	23.07
Marriage laws	23.12
Political rights.....	23.13
Social and economic rights.....	23.16
Socio-economic indicators.....	23.24
Single women	23.26
Violence against women.....	23.29
Honour killings	23.37
Rape	23.47
Assistance available to women	23.52
Government assistance	23.52
Non-Governmental Organisations (NGOs) assistance	23.60
24. CHILDREN.....	24.01
Overview	24.01
Basic legal information.....	24.06
Child rights – civil rights and freedoms	24.07
Domestic legislation	24.08
Judicial and penal rights	24.11
Childcare and protection	24.19
Violence against children.....	24.20
Forced marriage	24.26
Forced labour.....	24.31
Children's homes	24.34
Education	24.38
Madrassas	24.43
Health and welfare.....	24.47
25. TRAFFICKING	25.01
Trafficking to and from Pakistan	25.04
Trafficking within Pakistan	25.07
Prosecution.....	25.08
Assistance to victims of trafficking	25.11
26. MEDICAL ISSUES.....	26.01
Overview of availability of medical treatment and drugs	26.01
HIV/AIDS – anti-retroviral treatment	26.04
Cancer treatment.....	26.07
Kidney dialysis	26.09
Mental health	26.10
27. HUMANITARIAN ISSUES	27.01
28. FREEDOM OF MOVEMENT	28.01
29. FOREIGN REFUGEES	29.01
Treatment of failed asylum seekers.....	29.01
Afghan refugees	29.06
30. CITIZENSHIP AND NATIONALITY	30.01
National identity cards.....	30.03
31. EXIT/ENTRY PROCEDURES.....	31.01
32. EMPLOYMENT RIGHTS.....	32.01

Bonded labour 32.05

Annexes

- Annex A – Chronology of major events**
- Annex B – Political organisations**
- Annex C – Prominent people**
- Annex D – List of abbreviations**
- Annex E – References to source material**

Preface

- i. This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 11 July 2008. The 'Latest News' section contains further brief information on events and reports accessed from 12 July to 30 July 2008.
- ii. The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii. The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv. The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v. The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi. As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

Country of Origin Information Service

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

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Return to contents

Latest News

EVENTS IN PAKISTAN FROM 12 JULY TO 30 JULY 2008

- 30 July The BBC reported that 25 pro-Taleban militants and 5 troops were killed in fighting in Swat district, north-west Pakistan. It was feared that the clashes would threaten the peace-deal recently signed between the Government and the militants.
BBC News, Pakistan army 'kills militants', 30 July 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7532403.stm
Date accessed 30 July 2008
- 28 July The Government clarified that the Inter-Service Intelligence (ISI) would continue to function under the Prime Minister, having announced the previous day that both the ISI and the Intelligence Bureau were to be placed under the control of the Ministry of Interior. It was suggested that the decision to keep the ISI under the Prime Minister's control was influenced by senior members of the military.
Daily Times, ISI back under PM's control, 28 July 2008
http://www.dailytimes.com.pk/default.asp?page=2008\07\28\story_28-7-2008_pg1_1
Date accessed 30 July 2008
- 26 July As a result of the political impasse between the political partners in the coalition government, the Pakistan People's Party (PPP) and the Pakistan Muslim League – Nawaz (PML-N), 15 bills were stuck in parliament, delayed by the failure to convene the National Assembly and "non-functioning standing committees". The draft legislation included "the Prevention of Electronic Crimes Bill, 2007, the Women in Distress and Detention Fund (Amendment) Bill, 2008... the Pakistan Electronic Media Regulatory Authority (Amendment) Bill, 2008... the Code of Civil Procedure (Amendment) Bill, 2008 and the Dowry and Marriage Gifts (Restriction) Bill, 2008... the Code of Criminal Procedure (Amendment) Bill, 2008... and the Criminal Law (Amendment) Bill, 2008."
Daily Times, Coalition differences halt legislation, 26 July 2008
http://www.dailytimes.com.pk/default.asp?page=2008\07\26\story_26-7-2008_pg1_8
Date accessed 30 July 2008
- 23 July A senior security officer for PPP co-chairman Asif Ali Zardari was shot and killed by unidentified gunmen outside his home in Karachi.
Daily Times, Zardari's chief security officer gunned down, 23 July 2008
http://www.dailytimes.com.pk/default.asp?page=2008\07\23\story_23-7-2008_pg1_1
Date accessed 23 July 2008
- 22 July The PML-N has told the PPP that they will stay in the coalition but only if firm steps are taken, by 15 August 2008, on four critical issues, including restoring the deposed judges and impeaching President Musharraf.
The News International, PML-N gives PPP Aug 15 deadline to save coalition, 22 July 2008
http://www.thenews.com.pk/top_story_detail.asp?id=16125
Date accessed 22 July 2008

- 13 July A suicide bomber injured four people in an attack near a religious conference in Dera Ismail Khan, North West Frontier Province (NWFP).
Dawn, Suicide attack in D.I. Khan, 13 July 2008
<http://www.dawn.com/2008/07/14/top3.htm>
Date accessed 14 July 2008
- 12 July PPP co-chairman, Asif Ali Zardari, has asked the PML-N to rejoin the federal cabinet by 30 July 2008 otherwise the PPP would assign the vacant ministries to its own members.
Daily Times, PML-N given deadline to rejoin cabinet, 12 July 2008
http://www.dailytimes.com.pk/default.asp?page=2008%5C07%5C12%5Cstory_12-7-2008_pg7_42
Date accessed 15 July 2008
- 12 July At least eight soldiers have been killed by militants in Pakistan's NWFP. The attack took place near Hangu city as a convoy of soldiers approached a fort near the border with Afghanistan. Three militants were reported killed as the soldiers returned fire.
BBC News, Militants kill Pakistani soldiers, 12 July 2008
http://news.bbc.co.uk/2/hi/south_asia/7503591.stm
Date accessed 14 July 2008

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 12 JULY AND 30 JULY 2008

International Crisis Group (ICG), Asia Report No. 157, Reforming Pakistan's Police, 14 July 2008
http://www.crisisgroup.org/library/documents/asia/south_asia/157_reforming_pakistan_s_police.pdf Date accessed 15 July 2008

Amnesty International, Pakistan: Denying the undeniable: Enforced disappearances in Pakistan, 23 July 2008 <http://www.amnesty.org/en/library/info/ASA33/018/2008/en> Date accessed 23 July 2008

Background Information

1. GEOGRAPHY

- 1.01 Europa World Online, accessed 12 February 2008, noted in their Pakistan Country Profile that “The Islamic Republic of Pakistan lies in southern Asia, bordered by India to the east and by Afghanistan and Iran to the west. It has a short frontier with the People’s Republic of China in the far north-east...The capital is Islamabad.” [1] (**Location, Climate, Language, Religion, Flag, Capital**) The same source noted that the area of Pakistan covered 796,095 sq km, excluding Azad (‘Free’) Kashmir, which covered 11,639 sq km, and the Northern Areas at 72,520 sq km. [1] (**Area and Population**)
- 1.02 Pakistan is divided into four provinces - Balochistan, North-West Frontier Province; Punjab; and Sindh. (Europa World Online, accessed 12 February 2008) [1] (**Area and Population**) - and two territories - the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA World Factbook, updated 19 June 2008) [34] (**Government: Administrative divisions**) The FATA are composed of 7 tribal agencies - Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan. (USSD Background Note, May 2007) [2g] Pakistani held Jammu and Kashmir is split into two administrative areas: ‘Azad’ Kashmir and the Northern Areas. (CIA World Factbook, updated 19 June 2008) [34] (**Government: Administrative divisions**)
- 1.03 Pakistan’s population is estimated to be 167,762,040 (CIA World Factbook, updated 19 June 2008). [34] (**People: Population**) As recorded in the 1998 census the populations in the provinces were: 6.56 million in Balochistan; 17.7 million in North-West Frontier Province; 73.6 million in Punjab; and 30.4 million in Sindh. (Europa World Online, accessed 12 February 2008) [1] (**Area and Population**) Pakistan’s principal cities - populations in brackets - are the capital, Islamabad (800,000), and the adjacent Rawalpindi (1,406, 214) which comprise the national capital area with a total population of 3.7 million. Other major cities include Karachi (11,624,219), Lahore (6,310,888), Faisalabad (1,977,246) and Hyderabad (1,151,274). (USSD Background note, May 2007) [2g]
- 1.04 The CIA World Factbook, updated 19 June 2008, stated that the languages of Pakistan are “Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official and lingua franca of Pakistani elite and most government ministries), Burushaski, and others 8%.” [34] (**People: Languages**) As reported in the Ethnologue website, “The number of languages listed for Pakistan is 72. Of those, all are living languages.” [6]

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

[Return to contents](#)
[Go to list of sources](#)

MAP

1.05



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

Return to contents
Go to list of sources

2. ECONOMY

- 2.01 The CIA World Factbook, Pakistan profile, updated 19 June 2008, observed that Pakistan was:
- “...an impoverished and underdeveloped country, has suffered from decades of internal political disputes, low levels of foreign investment, and a costly, ongoing confrontation with neighboring India. However, since 2001, IMF-approved reforms - most notably, privatization of the banking sector - bolstered by generous foreign assistance and renewed access to global markets, have generated macroeconomic recovery. Pakistan has experienced GDP growth in the 6-8% range in 2004-07, spurred by gains in the industrial and service sectors. Poverty levels have decreased by 10% since 2001, and Islamabad has steadily raised development spending in recent years, including a 52% real increase in the budget allocation for development in FY07. In 2007 the fiscal deficit - a result of chronically low tax collection and increased spending - exceeded Islamabad's target of 4% of GDP. Inflation remains the top concern among the public, jumping from 7.7% in 2007 to more than 11% during the first few months of 2008, primarily because of rising world commodity prices. The Pakistani rupee has depreciated since the proclamation of emergency rule in November 2007.” [34] (Economy: Overview)
- 2.02 Pakistan's Gross Domestic Product growth in 2007 was 6.4%, while unemployment was 5% and consumer inflation ran at 7.5%. Income (at purchasing power parity) was estimated to be US\$2,755 per person. (The Economist Intelligence Unit (EIU) Country Report, January 2008) [75] In the year 2005/6, 24% of the population lived below the poverty line. About 42% of the workforce laboured in agriculture, 20% in industry and 38% in the service sector. The principal agricultural products are cotton, wheat, rice, sugarcane, fruits, vegetables; milk, beef, mutton and eggs. The main industries are textiles and apparel, food processing, pharmaceuticals, construction materials, paper products, fertilizer and shrimp. (CIA Factbook, updated 19 June 2008) [34] (Economy)
- 2.03 The India Pakistan Trade Unit (IPTU), accessed 30 June 2008, noted with regards to employment law and wages in Pakistan “[that] in October 2001 the government approved PRs2,500 per month as the minimum wage for unskilled workers...” although due to inflation “...the average wage for unskilled workers in July 2004 was PRs3,000...” [65] (Wages and Benefits)
- 2.04 The FCO country profile of Pakistan, last reviewed on 25 June 2008, observed that as of 25 February 2008 the average exchange rate was £1 = 121.68 PKR (Pakistan Rupee). [11b] (Economy)

[Return to contents](#)
[Go to list of sources](#)

3. HISTORY

- 3.01 The publication 'Freedom House – Freedom in the World 2008', released on 2 July 2008, noted that:

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

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

- 3.02 The Foreign and Commonwealth Office (FCO) Pakistan Country Profile, last reviewed 25 June 2008, noted that:

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

- 3.03 Europa World Online, accessed 12 February 2008 noted that "...in late July 2002 Benazir Bhutto was re-elected as leader of the PPP. However, the decree barring parties from contesting an election if any of its office-holders have a criminal conviction prompted the PPP in early August [2002] to create the PPPP under new leadership to contest the forthcoming general elections." [1] (Recent History)
- 3.04 The same source noted "[that] in December [2003] Musharraf announced seven further concessions to the LFO, including his commitment to resign as Chief of Army Staff by December 2004... In October 2004 the National

Assembly approved legislation enabling Musharraf to retain his dual role as President and Chief of Army Staff, contrary to his December 2003 pledge that he would resign from his military position by the end of 2004... In December [2004] Musharraf formally confirmed that he intended to retain his military position until the end of his presidential term, in 2007.” [1] (Recent History)

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

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

- 3.06 Human Rights Watch World Report 2006, covering events in 2005, released in January 2006 recorded that:

“During the summer of 2005, Musharraf presided over a three-phase local government election marked by brazen intimidation, coercion, and pre-poll rigging. Some forty people died in election-related violence, making this the most violent electoral exercise in Pakistan’s recent history. During the campaign, many opposition candidates faced violence and intimidation at the hands of the police and civil administration. Independent observers reported numerous instances of kidnapping, mistreatment, and arbitrary detention of opposition supporters, as well as pre-election and election day irregularities.” [13a]

- 3.07 Travel advice issued by the Foreign and Commonwealth Office, updated on 7 July 2008, reported that:

“On 8 October 2005, a catastrophic earthquake with its epicentre near Muzaffarabad in Pakistani-administered Kashmir caused widespread damage and loss of life. Infrastructure and services in northern Pakistani-administered Kashmir and surrounding areas were severely disrupted. The main devastation was in the towns of Muzaffarabad, Rawalakot, Bagh, Balakot and Mansehra but the affected areas are now largely operational again.” [11a]

- 3.08 Europa World Online, accessed 12 February 2008, stated “In February 2006 widespread protests occurred in towns and cities across Pakistan, as demonstrators gathered to condemn the publication of cartoons of the Prophet Mohammed in a Danish newspaper in September 2005. Although the demonstrations began peacefully and on a relatively small scale, they became increasingly violent in some areas, resulting in several deaths.” [1] (Recent History)

- 3.09 The same source noted “In November 2006 the federal legislature passed the Women’s Protection Bill, which amended the Hudood ordinance, giving civil courts jurisdiction in rape cases and revoking the death penalty for extra-marital sexual intercourse. Religious groups voiced their opposition to the bill,

arguing that it was ‘un-Islamic’, while others called for the abolition of the Hudood ordinance in its entirety.” [1] (Recent History)

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

[Return to contents](#)
[Go to list of sources](#)

4. RECENT DEVELOPMENTS

POLITICAL EVENTS IN 2007 TO PRESENT

- 4.01 On 9 March 2007, BBC News reported that Pakistan's Chief Justice, Iftikhar Chaudhry, was suspended by President Musharraf for 'misuse of authority'. The article noted that: "As the main judge in the Supreme Court, Mr Chaudhry had a reputation for taking a firm line against government misdemeanours and human rights abuses." [35w] BBC News reported on 13 April 2007 that 2000 people gathered outside the court complex in Islamabad in support of Mr Chaudhry, who "has a reputation for judicial activism in cases that have caused embarrassment to the government" and who had "...taken a lead in cases involving the controversial privatisation of state assets and the fate of missing people allegedly abducted by the security forces. The main charge against Mr Chaudhry is that he used his authority to have his son appointed to a prestigious government position. Mr Chaudhry denies any wrongdoing, and has called for the closed hearings to be held in public." [35x]
- 4.02 On 12 May 2007 there were violent clashes in Karachi and around 40 people were killed in two days of gun battles. The violence was believed to be instigated by the Muttahida Qaumi Movement (MQM), a pro-Musharraf ethnic political party, in attempt to stop an anti-government rally of lawyers and opposition supporters who opposed President Musharraf's attempt to remove Chief Justice Chaudhry. (*The Economist*, 17 May 2007) [76a] In its report, 'Fatal erosion of human rights safeguards under emergency', dated 23 November 2007, Amnesty International noted "In June [2007], hundreds of political activists in Punjab province and other parts of the country were arbitrarily arrested and detained as they sought to hold peaceful rallies in support of the Chief Justice." [4d] On 20 July 2007 the Supreme Court ruled that Chief Justice Chaudhry's suspension was 'illegal' and that he should be reinstated. The Government accepted the decision however the ruling was seen as a blow to President Musharraf's authority. (BBC News, 20 July 2007) [35aa]
- 4.03 A BBC News report dated 12 July 2007 noted that on 3 July 2007 16 people were killed in clashes at the Red Mosque (Lal Masjid) in Islamabad, where students had been campaigning for Shari'a Law. Then, the article continued, on 10 July 2007 troops raided the mosque after a week long siege. 73 bodies of militants were found inside the mosque, 10 troops died in the raid. [35ab] Many of the dead were well-armed extremists, some with links to banned religious groups and al Qaeda. The dead included the head of the mosque, Abdul Rashid Ghazi. The raid brought to an end 6 months of resistance by the mosque against the authorities. (*The Economist*, 12 July 2007) [76b]
- 4.04 On 23 August 2007, the Supreme Court ruled that former Prime Minister Nawaz Sharif, who had gone into exile in 2000, could return to Pakistan. Mr Sharif attempted to enter the country on 10 September 2007. In defiance of the court ruling, the Government promptly deported Mr Sharif to Saudi Arabia. (*The Independent*, 11 September 2007) [77] BBC News reported on 19 October 2007 that, in contrast to Mr Sharif, Benazir Bhutto, another former Prime Minister also exiled but who had been participating in power sharing talks with President Musharraf, was allowed to return to the country. Shortly after her return at least 130 people were killed in Karachi as two bombs exploded in the crowds celebrating her arrival. [35ac] Mr Sharif was later able

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

See also 4.13: [The assassination of Benazir Bhutto](#)

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

4.06 On 25 March 2008, BBC News reported on the release of dozens of Pakistani judges, including former Chief Justice Iftichar Chaudhry, following their detention during emergency rule in November 2007. New prime minister, Yousaf Raza Gillani, had ordered the judges’ release following his election on 24 March 2008. [35e]

See also 4.14: [Parliamentary elections and the new government](#) and 15.07: [Lawyers](#)

[Return to contents](#)
[Go to list of sources](#)

State of Emergency (3 November to 15 December 2007)

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

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

- 4.09 BBC News reported on 11 November 2007 that President Musharraf stated that he hoped elections would be held before 9 January 2008, having faced domestic and international criticism for delaying the elections. [35g] On 20 November 2007 the Pakistan Election Commission set 8 January 2008 as the date for national and provincial elections; opposition parties threatened to boycott the elections. (Reuters, 20 November 2007) [17c] BBC News reported on 26 November 2007 that both former exiled prime ministers, Benazir Bhutto and Nawaz Sharif, had filed nomination papers for constituency seats in the forthcoming elections, though Mr Sharif threatened to boycott the elections unless the state of emergency was lifted. [35r]
- 4.10 About 30 television channels went off air and were told to stop broadcasting foreign and local news channels, except for the state television channel. (HRW, 4 November 2007) [13f] Curbs were placed on the media: they could no longer publish or broadcast statements made by militants, nor could they criticise the Government. Breaching these restraints could result in a three year prison term and a fine (BBC News, 4 November 2007) [35ah] President Musharraf justified the introduction of the emergency on the grounds that the country was in crisis as a result of militant activity and an “unruly judiciary”. (BBC News, 4 November 2007) [35af] However, the state of emergency was announced as the Supreme Court was considering whether President Musharraf was eligible to stand for another term as President and if the amnesty signed clearing Benazir Bhutto from corruption charges was legal. (BBC News, 14 November 2007) [35ag]
- 4.11 The declaration of emergency provoked protests throughout Pakistan and resulted in the arrest of lawyers, opposition activists, civil society members and some journalists. (*Daily Times*, 6 November 2007) [55b] *The Economist* reported on 15 November 2007 that at least 2,500 human rights workers, political activists and lawyers had been arrested during the emergency. [76c] Amnesty noted in its report of 23 November 2007 that hundreds of human rights workers, lawyers (including senior lawyers such as the former Supreme Court Bar Association (SCBA) presidents Tariq Mahmood and Munir A Malik) and political activists had been detained. The Pakistan People’s Party claimed that 7,500 of its workers had been arrested during the emergency. However the same report also noted that the Government had announced the release of 5,134 detainees on 21 November 2007. [4d] In its country profile of Pakistan, last updated on 25 June 2008, the FCO observed that after the announcement of a state of emergency “...The situation remained mostly calm, though there were some clashes between the police and protesters in the cities of Lahore, Karachi, Multan and Rawalpindi.” [11b] (Politics)
- 4.12 The terms of the National Assembly and General Musharraf’s presidency expired on 15 November 2007. (*Daily Times*, 16 November 2007) [55c] A caretaker government was established to take Pakistan to the elections to be held in January 2008. (BBC News, 15 November 2007) [35ai] Mohammedmian Soomro replaced Shaukat Aziz as prime minister. (BBC News, 16 November 2007) [35aj] The provincial assemblies in Sindh, Punjab and Balochistan were also dissolved on 18 November 2007, and caretaker bodies were to be put in place. (*Daily Times*, 19 November 2007) [55d] The Supreme Court, its members having been replaced by General Musharraf’s supporters after declaring emergency rule, ruled on 22 November 2007 against the final petition challenging General Musharraf’s ratification as President, clearing the way for him to remain as Head of State. (*The Guardian*, 28 November 2007)

[25a] On 28 November 2007 General Musharraf stepped down as Chief of the Army and on the following day, as a civilian, he was sworn in as President. (BBC News, 29 November 2007) [35ak] On 15 December 2007 President Musharraf lifted the state of emergency and said he was committed to “transparent” elections being held on 8 January 2008. [25b] The emergency was lifted a day after the final deadline for submitting nomination papers for the January elections. All the main parties filed papers. However Nawaz Sharif and his brother Shab haz were banned from contesting the elections because of pending corruption charges and previous convictions. The early days of the election campaign were marred by violence. (The EIU Country Report – Main Report, January 2008) [75a]

[Return to contents](#)
[Go to list of sources](#)

The assassination of Benazir Bhutto

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

[Return to contents](#)
[Go to list of sources](#)

Parliamentary elections and the new government

- 4.14 Following the parliamentary elections held on 18 February 2008, the Pakistan People’s Party (PPP) emerged as the leaders, winning 87 seats in the National Assembly. The Pakistan Muslim League – Nawaz (PML-N) secured 66 National Assembly seats, whilst the former ruling party, the Pakistan Muslim League – Quaid-e-Azam (PML-Q), took only 36 seats. (Elections.com, accessed 26 February 2008) [39a]
- 4.15 Elections.com recorded the following results:

Party	National Assembly	Punjab Assembly	Sindh Assembly	Balochistan Assembly	Frontier Assembly
PPP	87	78	65	7	17
PML-N	66	101	0	0	5
PML-Q	38	66	9	17	6
MQM	19	0	38	0	0
ANP	10	0	2	1	31

MMA	3	2	0	6	9
PML F	4	3	7	0	0
BNP(A)	1	0	0	5	0
PPP(S)	1	0	0	0	5
NPP	2	0	3	0	0
Independent	27	35	1	10	18
Total	259	285	125	46	91

[39a]

- 4.16 The PPP headed by co-chairman Asif Ali Zardari, and leader of the PML-N, Nawaz Sharif, agreed to form a coalition government, after winning the most seats in the general election. (Elections.com, 22 February 2008) [39b] On 9 March 2008, the PPP and PML-N signed a coalition agreement. The parties also agreed to reinstate the judges who were sacked when President Musharraf declared a state of emergency in November 2007. (*Daily Times*, 10 March 2008) [55i] The Awami National Party (ANP) also formed part of the coalition in the National Assembly (*Dawn*, 13 March 2008) [84a] and joined with the PPP in the NWFP Assembly. (Geo TV, 5 March 2008) [45a] The Jamiat Ulema-e-Islam, decided to join the PPP to form part of the coalition government both in the National Assembly and the Balochistan Assembly. With a total of 229 seats, the four-party coalition holds a two-thirds majority in the National Assembly. (Geo TV, 9 March 2008) [45b]
- 4.17 On 24 March 2008, the National Assembly elected PPP vice-chairman, Yousaf Raza Gillani, as Pakistan's new prime minister. Gillani received a majority 264 votes in the 342-seat Lower House. (*Daily Times*, 25 March 2008) [55j] Mr Gillani was sworn in as prime minister by President Musharraf on 25 March 2008 in a short ceremony held at the presidential residence in Islamabad. (BBC News, 25 March 2008) [35d] There was widespread speculation that Mr Gillani would only remain prime minister on an interim basis until PPP co-chairman and widower of Benazir Bhutto, Asif Ali Zardari, took the necessary steps to make himself eligible to become prime minister, which would include winning a parliamentary seat in a by-election. (BBC News, 25 March 2008) [35e]
- 4.18 Following his election, the new Prime Minister ordered the release of dozens of Pakistani judges, including former chief justice Iftikhar Chaudhry, who had been detained during President Musharraf's emergency rule in November 2007. (BBC News, 25 March 2008) [35e]
- 4.19 BBC News reported on 31 March 2008 that "President Musharraf of Pakistan has sworn in 24 members of a new cabinet...[which] includes 11 ministers from the PPP and nine from the PML-N, two from the ethnic Pashtun Awami National Party, one from the hardline Jamiat Ulema-e-Islam and one member from the tribal areas bordering Afghanistan. It also includes two women, one each from the PPP and PML-N." [35u]
- (See [Annex C: Prominent people](#) for a list of Ministers as of 11 April 2008)
- 4.20 On 13 May 2008, *Dawn* reported that "The Pakistan Muslim League-N [PML-N] had decided to pull out of the federal cabinet because of delay in the reinstatement of deposed judges, but said it would 'support the government on an issue-to-issue basis'." [42b] Nine ministers from Nawaz Sharif's PML-N party handed in their resignations to Prime Minister Yousuf Gilani although he

did not accept them. (BBC News, 13 May 2008) [35as] The *Daily Times* reported on 16 May 2008 that the nine ministers who tendered their resignations would not be replaced. Pakistani People's Party (PPP) co-chairman, Asif Ali Zardari was quoted as saying that he would try and persuade Nawaz Sharif to withdraw the resignations of his party's ministers. [55]

- 4.21 *The News International* reported on 28 May 2008 that the PPP co-chairman, Asif Ali Zardari, and PML-N leader, Nawaz Sharif, met for the first time since the resignation of the PML-N members from the federal cabinet. The pair agreed on cutting powers of the president but could not agree on the manner in which to restore the deposed judges. The article noted that: "Both the sides [PPP and PML-N] agreed that all issues including the issue of judges' restoration would be settled through mutual discussion" [44b] The PML-N disagreed that the judges reinstatement should be part of a new draft constitutional package (*The News International*, 2 June 2008) [44c] and believed they should be restored by an executive order from the prime minister. (BBC News, 10 June 2008) [35at]
- 4.22 BBC News reported on 27 June 2008 that Pakistan's ruling parties won five seats to the national assembly following by-elections on 26 June 2008. The PML-N won three seats whilst the PPP won two. The article noted that "Polling was postponed for a sixth seat in the city of Lahore because of wrangling over whether former Premier Nawaz Sharif was eligible to contest." Where by-elections were held across the country, the two main parties also won 19 out of 23 provincial assembly seats. [35m]

[Return to contents](#)
[Go to list of sources](#)

MILITANT ACTIVITY

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

2007

- January: A wave of suicide attacks followed an army air strike on a militant base in South Waziristan. The attacks were carried out by groups thought to have links with al Qaeda (Alertnet Timeline, updated 2 January 2008) [17a]
- March/April 2007: Around 250 people were killed in clashes between South Waziristan tribesmen and foreign militants, reported to have links with al Qaeda (BBC News, Timeline, updated 18 January 2008) [35g]
- July: a deal between the pro-Taliban militants in North Waziristan and the Government ended when the militants announce they were pulling out and accused the authorities of violating the pact. (Alertnet 'Pakistan violence timeline' Timeline, 2 January 2008) [17a] 73 militants and 10

soldiers were killed as the week long siege at the Red Mosque in Lahore ended in violence. (BBC News, 12 July 2007) [35ab]

- October: About 250 people were killed in fighting between the army and militant Islamist tribesmen, and tens of thousands are displaced from their homes near Mir Ali, North Waziristan in the FATA. Clashes between militants and security forces in the Swat valley, in the NWFP, left 180 people dead, hundreds displaced. (Alertnet 'Pakistan violence timeline' Timeline, 2 January 2008 [17a] At least 130 people were killed by two bombs set off amongst the crowds in Karachi which had gathered to see Benazir Bhutto's on her return from exile (BBC News, 19 October 2007). [35ac]

2008

- On 10 January 2008, a suicide bomber blew himself up outside the High Court in Lahore, shortly before an "anti-government procession of lawyers" was due to arrive. At least 24 were killed and 80 injured. (*Daily Times*, 11 January 2008) [55f]
- Over 50 killed Taliban militants killed on 9 January 2008 in fighting with the military in South Waziristan. Meanwhile in North Waziristan a tribal jirga was negotiating a peace deal between local Taliban militants and the army. (*Daily News*, 13 January 2008) [55g]
- Further clashes between the military and the Taliban in South Waziristan on 15 January, result in 7 troops and 40 insurgents dead, though the Taliban claim 166 troops were killed. (*Daily News*, 17 January 2008) [55h]
- Pakistan's top military surgeon, Lt Gen Mushtaq Baig, was killed in a suicide bomb attack in Rawalpindi, along with at least eight other people. (BBC News, 25 February 2008) [35v]
- Two suspected suicide car bombs killed at least 22 people, including two children, and injured 100 others in Lahore. (BBC News, 11 March 2008) [35y]
- A car bomb attack near the Danish embassy in Islamabad killed at least six people and injured 30 others. (BBC News, 2 June 2008) [35aq] A statement, allegedly from al-Qaeda in Afghanistan, was posted on the internet saying the attack was revenge for the reprinting of a "blasphemous" cartoon of the prophet Mohammed in a Danish newspaper, in February 2008. (BBC News, 5 June 2008) [35ar]
- A suicide bomb in Islamabad killed 18 policemen on 6 July, the first anniversary of the ending of the siege of the Red Mosque (Lal Masjid). A further 20 people were injured in four small bomb explosions in Karachi. It was not clear who was behind the blasts. (BBC News, 7 July 2008) [35t]

(Also see Annex A: [Chronology of major events](#))

[Return to contents](#)
[Go to list of sources](#)

5. CONSTITUTION

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

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

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

Return to contents
Go to list of sources

6. POLITICAL SYSTEM

Federal Legislature

6.01 Europa World Online, accessed 12 February 2008, stated that “The Federal Legislative consists of a President, a lower house and an upper house. The lower house, called the National Assembly, has 272 members elected directly for a term of five years... plus 60 female members and 10 members representing minorities. The upper house, called the Senate, has 87 members who serve for six years, with one-half retiring every three years.” [1] (**Federal Legislature**) Europa added “The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years. He must be a Muslim. The President may be impeached for violating the Constitution or gross misconduct.” [1] (**President**)

6.02 The CIA World Factbook profile of Pakistan, updated on 19 June 2008, reported that Pakistan has a:

“... bicameral Parliament or Majlis-e-Shoora consists of the Senate (100 seats; members indirectly elected by provincial assemblies and the territories' representatives in the National Assembly to serve six-year terms; one half are elected every three years) and the National Assembly (342 seats; 272 members elected by popular vote; 60 seats reserved for women; 10 seats reserved for non-Muslims; to serve five-year terms).” [34] (**Government: Legislative Branch**)

Provincial Governments

6.03 Each of the four provinces had a Governor appointed by the President, each province also had a provincial legislature consisting of the Governor and the Provincial Assembly, and the Chief Minister of each provincial government was appointed by the Governor. (Europa World Online, accessed 12 February 2008) [1] (**Provincial Government**)

6.04 The USSD Background note on Pakistan, May 2007, noted that “Each of the four provinces – Punjab, Sindh, Northwest Frontier, and Balochistan – has a Chief Minister and provincial assembly. The Northern Areas, Azad Kashmir and the Federally Administered Tribal Areas (FATA) are administered by the federal government but enjoy considerable autonomy. The cabinet, National Security Council and governors serve at the president's discretion.” [2g]

(See [‘Azad’ Kashmir](#) and Northern Areas below)

[Return to contents](#)
[Go to list of sources](#)

“AZAD” KASHMIR

6.05 The Freedom House, Freedom in the World 2008 Country Report on Kashmir [Pakistan], published 2 July 2008, stated that:

“... When British India was partitioned into India and Pakistan in 1947, Maharajah Hari Singh tried to maintain Jammu and Kashmir's independence, but eventually ceded it to India in return for autonomy and future self-determination. Within months, India and Pakistan went to war over Kashmir.

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

6.06 The Freedom House report also stated that:

“A legislative assembly was set up for Azad Kashmir in 1970, and the 1974 interim constitution established a parliamentary system headed by a president and a prime minister. Nevertheless, Islamabad’s influence over the electoral process and governance of the region remained strong. Three rounds of elections have taken place for the assembly, though few observers consider them free and fair. Azad Kashmir People’s Party (AKPP) and the Muslim Conference (MC) are the two main parties contesting the leadership. In the 1996 elections, AKPP emerged with a majority of seats after the MC boycotted the voting amid accusations of fraud. In 2001, the MC won the elections, but within weeks Pakistani leader General Pervez Musharraf installed his own choice of president, former general Sardar Muhammad Anwar Khan. In 2006, 369 candidates from 15 parties contested the 41 directly elected seats, of which the MC won a majority. MC candidate Raja Zulqarnain Khan emerged as president, and MC leader Sardar Attique Ahmed Khan became prime minister following Musharraf’s nomination.” [19b]

Line of Control

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

“A demarcation line was originally established in January 1949 as a ceasefire line, following the end of the first Kashmir war. In July 1972, after a second conflict, the Line of Control (LoC) was re-established under the terms of the Simla Agreement, with minor variations on the earlier boundary. The LoC passes through a mountainous region about 5,000 metres high. The conditions are so extreme that the bitter cold claims more lives than the sporadic military skirmishes. North of the LoC, the rival forces have been entrenched on the Siachen glacier (more than 6,000 metres high) since 1984 – the highest battlefield on earth. The LoC divides Kashmir on an almost two-to-one basis: Indian-administered Kashmir to the east and south (population about nine million), which falls into the Indian-controlled state of Jammu and Kashmir; and Pakistani-administered Kashmir to the north and west (population about three million), which is labelled by Pakistan as “Azad” (Free) Kashmir. China also controls a small portion of Kashmir.” [35c]

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

[Return to contents](#)

Current situation

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

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

- 6.10 The same source noted:

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

- 6.11 The Foreign and Commonwealth Office’s Country Profile on Pakistan, reviewed on 25 June 2008, recorded that:

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

[Return to contents](#)
[Go to list of sources](#)

NORTHERN AREAS

6.12 The USSD Report 2007 reported that:

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

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

“The lack of political representation in the Northern Areas has fueled demands for both formal inclusion within Pakistan and self-determination. In 1999, the Pakistani Supreme Court directed the government to act within six months to give the Northern Areas an elected government with an independent judiciary and to extend fundamental rights to the area’s residents. The Pakistani government then announced a package that provided for an appellate court and an expanded and renamed Northern Areas Legislative Council (NALC). Elections to the NALC were held in October 2004, but the body continues to have few real fiscal and legislative powers despite ongoing calls for reform. The Musharraf-backed Pakistan Muslim League (Quaid-i-Azam) party dominated the NALC as of 2007, while the Pakistan People’s Party (PPP) served as the main ‘opposition’.” [19b]

[Return to contents](#)
[Go to list of sources](#)

Human Rights

7. INTRODUCTION

- 7.01 In its introduction on human rights in Pakistan the US State Department Country Report on Human Rights Practices 2007 for Pakistan (USSD Report 2007), released 11 March 2008, observed that:

“The human rights situation worsened during the year, stemming primarily from President Musharraf’s decision to impose a 42-day State of Emergency (SOE), suspend the constitution, and dismiss the Supreme and High Provincial Courts... During the 42 days of the SOE, the government imposed curbs on the media and arrested and/or detained over 6,000 lawyers, judges, political party workers/leaders, and civil society activists. By the end of the year, approximately one dozen activists, primarily lawyers and judges, remained under house arrest... Other major human rights problems included restrictions on citizens’ right to change their government, extrajudicial killings, torture, and disappearances. While the civilian authorities generally maintained effective control of the security forces, there were instances when local police acted independently of government authority. Violence from a low-level secessionist movement in Balochistan continued. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem. Rape, domestic violence, and abuse against women, such as honor crimes and discriminatory legislation that affected women and religious minorities, remained serious problems, although implementation of the 2006 Women’s Protection Act improved conditions. Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Discrimination against religious minorities continued. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.” [2h] (Introduction)

- 7.02 The Freedom House report, Freedom in the World 2008, Pakistan, released 2 July 2008, noted that:

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

human rights violations, including arbitrary arrest and 'enforced disappearances,' continued to be reported in 2007. Sectarian, separatist, and terrorist violence escalated dramatically as militants extended their influence throughout the country." [19a] (Overview)

- 7.03 The Human Rights Watch World Report 2008, Pakistan, released in January 2008, observed that "Ongoing concerns at this [time of] writing include arbitrary detention, lack of fair trials, mistreatment, torture, and enforced disappearances of terrorism suspects and political opponents; harassment, intimidation, and censorship of the media; increasing unrest amid military operations in the tribal areas bordering Afghanistan; and legal discrimination and mistreatment of religious minorities" [13b].
- 7.04 Pakistan has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. Pakistan is an accession state to the Convention on the Elimination of All Forms of Discrimination Against Women. Pakistan signed the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights in April 2008. (UNHCR, Treaty Body Database, accessed 1 June 2008) [20e]

[Return to contents](#)
[Go to list of sources](#)

8. SECURITY SITUATION

- 8.01 Jane's Sentinel Country Risk Assessment of Pakistan, updated 7 April 2008, observed that:

"The most pressing threat to stability is the continuation of extremist, sectarian and criminal violence in spite of many successful operations against various dissident groups. Tension along the Afghan border, primarily in the tribal areas, has greatly increased following the army's extensive and heavy-handed operations to capture or kill foreign militants, while an increasing propensity for militant groups to implement suicide attacks is troubling. A continuing low-level insurgency in Balochistan has added to internal security problems. Police and security forces remain hard-pressed to control religio-political extremists, tribal unruliness and militant groups. This was brought into sharp focus in July 2007 by the storming of a mosque, the Lal Masjid [Red Mosque] in Islamabad, by security forces, who had been engaged in a lengthy stand-off with militant extremists barricaded therein. In particular, since the storming of the Lal Masjid, the number of suicide attacks targeting Pakistan's security services has increased in frequency, particularly in Punjab province. Externally, India is considered the main threat, although a process of gradual rapprochement and economic dialogue gives reason for some optimism. Placating the US is the country's most immediate external problem, and the potential for direct military action by US special forces in pursuit of their bête noire - 'Al-Qaeda/Taliban' forces - is an ever-present concern." [36] (Executive Summary; Security threats)

- 8.02 Amnesty International stated in their 2008 Annual Report on Pakistan that "Members of Islamist armed groups were responsible for hostage-taking, killing of captives and other unlawful killings. After the Red Mosque [Lal Masjid] siege, suicide attacks against government and army installations increased, leading to some 400 deaths. In July [2007] alone, 194 people, including many civilians, were killed in 13 suicide attacks." [4a] (Abuses by armed groups)

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

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

- 8.04 The SATP report continued

"Year 2007 unambiguously demonstrated that the flag of extremist Islam continues to flail vigorously and violently across Pakistan...In a welter of violence, at least 3,599 persons, including 1,523 civilians, 597 security force (SF) personnel and 1,479 militants, were killed in 2007. While militant and

terrorist violence has been reported from all the provinces, the worst affected were FATA followed by the NWFP. Fatalities in 2007, at 3599, were substantially more than double the fatalities in the preceding year (1471). The number of civilians killed remained marginally higher than the number of militants and terrorists killed – a continuing trend since 2003. A sharp increase in terrorist violence was recorded after the Army's assault on the Lal Masjid in Islamabad on July 11, 2007. Indeed, the first half of 2007 (January-June) was marginally less violent than the same period in 2006 – with 869 fatalities in 2007 as against 984 in 2006." The report added that the actual numbers of deaths may have been underreported. [61b]

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

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

[Return to contents](#)
[Go to list of sources](#)

9. SECURITY FORCES

POLICE

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

9.02 The Jane’s report added

“Pakistan’s four provincial police forces are independent entities that take orders from federal government on issues of national security only. Large conurbations maintain separate forces that fall within the provincial chain of command. (There are no police in the Federally Administered Tribal Areas of North West Frontier Province [NWFP].) Each force is headed by an inspector general whose deputies oversee police operations within specific provincial sectors. Inspector generals are directly accountable to the central Ministry of the Interior whereas all levels junior to that report to the provincial civil service. District superintendents are key figures in implementing the edicts of their superiors on a day-to-day basis.” [36k] (Security and Foreign Forces)

9.03 The USSD Report 2007 added with regard to the organisation and oversight of the police:

“...In July 2005 President Musharraf reissued and amended the 2002 Police Order, which transfers oversight responsibility of police from provinces to districts and calls for the establishment of local oversight bodies. In the Punjab and NWFP, public safety commissions were established and functioned; however, according to SHARP [Society for Human Rights and Prisoners’ Aid] and the Global Foundation, the commissions existed but operated under a vague mandate. During the year district public safety commissions in Punjab, Sindh, and a majority of districts in NWFP and Balochistan were established but their effectiveness was undermined because of inadequate staffing.” [2h] (Section 1d)

9.04 The Jane’s Sentinel Country Risk Assessment for Pakistan, Security and Foreign Forces, report further noted:

“Police in Pakistan are not regarded by the population as either friends or protectors. They are in general mistrusted and feared because their culture is one of intimidation rather than service...The police are politicised, in addition to being subject to manipulation by powerful landlords in the rural areas and ‘influentials’ in the cities. Corruption is rife [sic]. Investigative procedures are generally brutal and frequently consist of torturing a suspect until a confession is obtained. Crowd-control and anti-riot skills are rudimentary, and in such encounters, police use lathis - five foot, steel-tipped bamboo canes - without mercy. They are armed with rifles but undisciplined in weapon handling as in almost every other aspect of police work.” [36k]

9.05 The USSD Report 2007 observed that:

“Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and avenge personal grievances. Corruption was most prominent among police SHOs [Station House Officers], some of whom reportedly operated arrest-for-ransom operations and established unsanctioned stations to increase illicit revenue collection.” [2h] (Section 1d)

(See also Section 18: [Corruption](#))

9.06 On the efficacy of the police, the USSD Report 2007 stated that:

“Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous, serious human rights abuses. Failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officers, district nazims, provincial interior or chief ministers, the federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution, and these mechanisms were sometimes used... Police often failed to protect members of religious minorities – particularly Christians, Ahmadis, and Shi’as – from societal attacks.” [2h] (Section 1d)

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

9.07 The publication ‘Freedom House – Freedom in the World 2008’ reported that:

“Police routinely engage in crime, excessive force, torture, and arbitrary detention; extort money from prisoners and their families; accept bribes to file or withdraw charges; rape female detainees; and commit extrajudicial killings. Critics of the regime are particularly at risk of arbitrary arrest, torture, ‘disappearance,’ or denial of basic due process rights at the hands of military authorities. Progress on creating an official human rights commission empowered to investigate cases of abuse and redress grievances has been slow, and a general atmosphere of impunity remains the norm.” [19a]

9.08 The USSD Report 2007 added that:

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

[Return to contents](#)
[Go to list of sources](#)

Arbitrary Arrest and Detention

- 9.09 The USSD Report 2007 observed that the police frequently issued First Information Requests (FIR):
- “...without supporting evidence as harassment or intimidation, or they did not issue them when adequate evidence was provided unless the complainant could pay a bribe. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14 day period provided in the law through the issuance of new FIRs.” [2h] (Section 1d)
- 9.10 The same report also observed that “Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and were sexually abused. Police also detained relatives of wanted criminals to compel suspects to surrender.” [2h] (Section 1d)
- 9.11 In a statement issued on 3 April 2008, the Asian Human Rights Commission (AHRC) reported that 39 persons remained missing after arrest during the first quarter of 2008. AHRC noted that:
- “The state intelligence agencies are still operative in arbitrarily arresting people, keeping them in custody for several months and torturing them to confess their involvement in crimes against the state. After the general elections of February 2008, about 27 persons disappeared after arrests by the Elite Force, a state intelligence agency working under the Pakistan Army. According to the reports collected by the Defence of Human Rights, an organization working on the recovery of disappeared persons, and Baloch Rights Council, an umbrella organization of several Baloch nationalist organizations, more than 65 persons have been disappeared after the imposition of the state of emergency by President Musharraf, (who was then General Musharraf) on November 3, 2007.” [52a]
- See section 12: [Arbitrary Arrest and Detention – Legal Rights](#) and 9.19: [Armed Forces](#)

Torture

- 9.12 The USSD Report 2007 recorded that:
- “The law prohibits torture and other cruel, inhuman, or degrading treatment; however, there were persistent reports that security forces, including intelligence services, tortured and abused persons. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in Anti-Terrorism courts. Allegations that security personnel used abuse and torture of persons in custody throughout the country continued. Human rights organizations reported that methods included beating, burning with cigarettes, whipping soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.

Security force personnel reportedly raped women during interrogations. The government rarely took action against those responsible. [2h] (Section 1c)

9.13 The USSD Report 2006 stated:

“During the year, the NGO [Non Governmental Organisation] Lawyers for Human Rights and Legal Aid recorded 1,513 cases that they labeled torture. The NGO Asia Human Rights Commission reported approximately 1,319 cases of torture during the year. In May [2006] the NGO reported over 1,250 cases being committed during the previous 16 months, with most reported in Punjab and Sindh. Punjab had 743 cases, Sindh had 503, eight were reported in Balochistan, 43 in NWFP, and 23 in Islamabad. Torture occasionally resulted in death or serious injury.” [2b] (Section 1c)

9.14 The United States State Department Report on International Religious Freedom 2007 for Pakistan, released on 14 September 2007 (USSD IRF Report 2007), observed that “Police commonly tortured and mistreated those in custody and at times engaged in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates.” [2f] (Section II)

9.15 The HRW report, ‘With Friends Like These...’, which reported on the situation in Azad Kashmir and was released in September 2006, noted that:

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

[Return to contents](#)
[Go to list of sources](#)

Extra-Judicial Killings

9.16 The USSD Report 2007 noted that:

“Security forces extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Through August [2007] the Society for Human Rights and Prisoners' Aid (SHARP) reported 23 encounter killings and 37 killings in police custody. Police stated that frequently these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, human rights observers, family members, and the press reported that security forces staged many of the

deaths. The government frequently investigated and sometimes convicted police officials for extrajudicial killings. The police inspector general in Punjab stated that 1,254 police had been disciplined by August for a variety of crimes. However, lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity.” [2h] (Section 1a)

ARMED FORCES

- 9.17 Jane’s noted in its Sentinel Country Risk Assessment for Pakistan on Armed Forces, last updated on 20 June 2008, that the armed forces consisted of 570,000 personnel in the army, a further 500,000 reservists, 25,000 in the Navy and 45,000 in the airforce. Additionally there are approximately 267,000 personnel in paramilitary forces, which included the National Guard, Pakistan Rangers, Frontier Corps and Balochistan Corps. The same source also observed that around 40,000 troops, in addition to the same number of Frontier Corps, are based in the Federally Administered Tribal Areas and the North West Frontier Province to deal with unrest there. 80,000 troops have also been deployed along the border with Afghanistan, to stem the flow of insurgents. As of January 2007, the combined armed forces had killed 800 Taliban and Al-Qaeda operatives. [36f] (Armed Forces)
- 9.18 The USSD Report 2007 stated that “Paramilitary forces such as the Rangers, the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control these forces when they assist in law and order operations. During some religious holidays, the government deployed the regular army in sensitive areas to help maintain public order.” [2h] (Section 1d)
- 9.19 In its Pakistan Country Profile – Main Report dated 21 September 2007, the Economist Intelligence Unit stated that
- “The army remains Pakistan’s ultimate political arbiter, but its gradual shift into mainstream economic activity has tarnished its reputation as the least corrupt institution in the country. It has run the country for as many years as civilian governments have, and was the driving force behind the premature removal of the last four elected administrations—Ms Bhutto’s in 1990 and 1996, and Mr Sharif’s in 1993 and 1999—all of which paid the price for seeking to increase their power at the military’s expense. In August 2001 and August 2005 General Musharraf’s regime held non-party local polls to elect officials (nazims) who would represent a new breed of civilian politicians untainted by the excesses of their predecessors and inclined to support the army’s political agenda. General Musharraf has, by and large, succeeded in achieving this goal. Under the new system, a nazim answers to a district co-ordination officer, who is appointed by the provincial governor, who is in turn appointed by General Musharraf. However, tensions have emerged over the division of power and funds between the nazim and the provincial members of parliament. The latter claim that their powers of patronage have been curtailed, thereby undermining their clout in their constituencies.” [75b]
- (For information on Arbitrary Arrest and Detention see section 11: Judiciary, subsection Military Courts and the Army Act and Section 12: Arrest and Detention - Legal Rights ; for information on Torture, Extrajudicial Killings and Arbitrary Arrest see subsection on Police above)

[Return to contents](#)
[Go to list of sources](#)

OTHER GOVERNMENT FORCES

Intelligence Agencies

9.20 Jane's reported on 31 May 2007, that:

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

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

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

[Return to contents](#)
[Go to list of sources](#)

10. MILITARY SERVICE

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

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

- 10.02 The CIA World Factbook, last updated 19 June 2008, stated that recruitment for military service could start at 16 years old although soldiers could not be sent into combat until they were 18 years of age. [34] (Military)

See also section 24. [Children](#)

[Return to contents](#)
[Go to list of sources](#)

11. JUDICIARY

ORGANISATION

- 11.01 The CIA World Factbook, updated on 19 June 2008, stated that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory [International Court of Justice] ICJ jurisdiction, with reservations." [34] (Government: Legal system)
- 11.02 The USSD Background note on Pakistan, updated May 2007, noted that:
- "The judicial system comprises a Supreme Court, provincial high courts, and Federal Islamic (or Shari'a) Court. The Supreme Court is Pakistan's highest court. The president appoints the chief justice and they together determine the other judicial appointments. Each province has a high court, the justices of which are appointed by the president after conferring with the chief justice of the Supreme Court and the provincial chief justice. The judiciary is proscribed from issuing any order contrary to the decisions of the President. Federal Sharia Court hears cases that primarily involve Sharia, or Islamic law. Legislation enacted in 1991 gave legal status to Sharia. Although Sharia was declared the law of the land, it did not replace the existing legal code." [2g]
- 11.03 The Pakistani government website (accessed 18 January 2008) stated that the Pakistan judicial system consists of a Supreme Court, High Courts in each of the provinces and the Federal Shariat Court (all established under the Constitution). The same source added that the Supreme Court was at the "apex" of the judicial system and:
- "...to the exclusion of every other Court in Pakistan, has the jurisdiction to pronounce declaratory judgements in any dispute between the Federal Government or a provincial government or between any two or more provincial governments...The Supreme Court, if it considers that a question of public importance, with reference to the enforcement of any of the Fundamental Rights ensured by the Constitution of Pakistan is involved, it has the power to make any appropriate order for the enforcement of fundamental rights....The Supreme Court has jurisdiction to hear and determine appeals from judgements, decrees, final orders or sentences passed by a High Court, the Federal Shariat Court and the Services Appellate Tribunals." The source added that the Supreme Court's decisions are binding in principle and in law for all other courts. [29c] (Judiciary)
- 11.04 At the district level there are also "Courts of District Judges" and "Courts of Civil Judges" both dealing with civil cases, while criminal matters are heard in "Courts of Sessions" and "Courts of Magistrates". Court of Sessions can hear cases punishable by death and those under the Hudood Ordinances. The Government website added that "An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentence [sic] is up to four years, otherwise to the High Court." [29c]
- 11.05 The same source added that there are also Special Courts and Tribunals to deal with specific types of cases, which included:

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

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

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

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

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

[Return to contents](#)
[Go to list of sources](#)

Shariat Courts (Islamic Law)

11.08 The US State Department Report 2007 (USSD Report 2007), published on 11 March 2008, noted that:

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

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

- 11.09 The United States State Department Report on International Religious Freedom 2007 for Pakistan, released on 14 September 2007 (USSD IRF Report 2007), stated that:

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

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

[Return to contents](#)
[Go to list of sources](#)

Anti-Terrorism Act and Courts

- 11.10 The USSD Report 2007 noted that:

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

- 11.11 The USSD Report 2007 stated that “Antiterrorist courts do not grant bail if the court has reasonable grounds to believe that the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges.” [2h] (Section 1d) The Freedom House Freedom in the World 2008

report noted “Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights.” [19a]

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

“Making the anti-terrorism law stringent, the cabinet on Saturday [10 January 2004] declared financing of terrorism a non-bailable offence, with minimum four and maximum ten years jail terms. The cabinet meeting, chaired by Prime Minister Zafarullah Jamali, approved amendments to the Anti-Terrorism Act, 1997 in the light of UN Security Council resolutions.’ Any individual or entity, involved in financing of terrorism shall be punished with rigorous imprisonment for a term of four to ten years in place of the original punishment of six months to five years as provided in Section 11 (N) of the act,’ Information Minister Shaikh Rashid Ahmed told reporters after the cabinet meeting. “Rashid said, ‘Financing of terrorism shall be a non-bailable offence and all societies and other institutions which have a potential to act as conduits for such financing shall be obliged to establish bank accounts and maintain information about their employees, clients, failing which they will face fine and revocation of licence.’” [44a]

[Return to contents](#)
[Go to list of sources](#)

National Accountability Bureau (NAB)

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

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

“The National Accountability Bureau is Pakistan’s apex anti-corruption organization. It is charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement. It operates under the National Accountability Ordinance-1999, with its headquarter at Islamabad. It has four regional offices in the provincial capitals and one at Rawalpindi. It takes cognizance of all offences falling within the National Accountability Ordinance (NAO).” [26]

11.15 The USSD Report 2007 noted that:

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

[Return to contents](#)
[Go to list of sources](#)

Military Courts and the Army Act

- 11.16 In HRW's report, 'Destroying Legality: Pakistan's crackdown on Lawyers and Judges' released on 19 December 2007, it was observed:

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

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

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

- 11.17 The same report added:

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

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

"...make[s] it possible to court-martial civilians, which has been condemned across the political spectrum... While officials defended this amendment by pointing out the difficulty in obtaining convictions of terrorists under the present criminal laws, critics note that (among many other things) civilians can now be

brought before a military tribunal for 'giving statements conducive to public mischief'. This provision is open to such a wide interpretation that just about any of the thousands of lawyers, political activists and human-rights volunteers currently under arrest can be tried under it." [78]

[Return to contents](#)
[Go to list of sources](#)

Federally Administered Tribal Areas

11.19 The USSD Report 2007 noted that:

"There is a separate legal system in the FATA, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years. Human rights NGOs expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition." [2h] (Section 1e)

Tribal Justice System

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

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

11.21 In their report 'Pakistan: The tribal justice system', dated 1 August 2002, Amnesty International noted:

"Tribal jirgas [literally: meeting; faislo, a Sindhi term for both the meeting and the decision; panchayat, council of elders] consisting of elders of the tribe and headed by the sardar [head of a tribe] or, if the dispute is of less importance, local heads of the tribe, can either be called on an ad hoc basis or take place regularly. They deal with a range of issues, including conflicting claims to land and water, inheritance, alleged breaches of the 'honour' code and intra-tribal or inter-tribal killings. Many sardars or lower tribal leaders hold regular

'adjudication' days which are widely known and attended by people with a variety of complaints. Sardars have no formal training in 'adjudication'; sardars have told Amnesty International that they had learned how to conduct jirgas from their fathers; one sardar said, 'It's all in my head, there is no need to codify it ... I have my own intelligence to tell me what is just'. Others have claimed that while not codified, the principles of tribal justice are well defined." [4b] (p7, The jirga or faislo or panchayat system)

11.22 The report continued:

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

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

11.23 The same source noted that:

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

11.24 The SPARC Report 2006 noted that:

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

11.25 The USSD Report 2007 stated that:

“Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas (local councils), at times in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence. In the tribal areas, the settling of many family feuds, particularly over murder cases, involved giving daughters of the accused in marriage to the bereaved. Many tribal jirgas instituted harsh punishments such as the death penalty or watta-satta (exchange of brides between clans or tribes) marriages.” [2h] (Section 1e)

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

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

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

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

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

[Return to contents](#)
[Go to list of sources](#)

INDEPENDENCE AND FAIR TRIAL

- 11.28 The Executive interfered in the independence of the judiciary during 2007. In March 2007, President Musharraf suspended the Chief Justice of the Supreme Court, Iftikhar Chaudhry, for “misuse of authority” though it was noted that Mr Chaudhry had “a reputation for taking a firm line against government misdemeanours and human rights abuses”. (BBC News, 9 March

2007) [35w] Mr Chaudhry's suspension triggered mass protests, and on 20 July 2007 the Supreme Court ruled that the Chief Justice should be reinstated, a decision the Government accepted. (BBC News, 20 July 2007) [35aa] On 3 November 2007 President Musharraf declared a state of emergency, and required judges to sign an oath of allegiance but 60 out of 97 senior judges refused to do so (HRW, 4 November 2007) [13f] Those judges did not recognise the state of emergency were dismissed and many placed under house arrest. (HRW, Destroying Legality...Summary, 19 December 2007) [13c] However following his election in March 2008 the new Prime Minister, Yousaf Raza Gillani, ordered the release of dozens of Pakistani judges, including former chief justice Iftikhar Chaudhry, who had been detained during President Musharraf's emergency rule in November 2007. (BBC News, 25 March 2008) [35e]

11.29 The USSD Report 2007 stated with regard judiciary's independence that:

"The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. In nonpolitical cases, the high courts and Supreme Court were generally considered credible. However, the president's decision to use a Provisional Constitution Order to replace the Supreme and High Court benches called this credibility into question. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. Ordinary cases take five to six years, while cases on appeal can take 20 to 25 years. In an April 15 [2007] speech, the then-chief justice stated that the backlog of cases pending before the Supreme Court had been reduced to 10,000, but a June statement from the AHRC estimated there were 20,000 pending cases." [2h] (Section 1e)

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

11.31 The Freedom House report, Freedom in the World 2008, Pakistan, noted that:

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

- 11.32 With regard to cases dealt with by the National Accountability Bureau, the USSD Report 2007 observed that “In accountability cases, there is a presumption of guilt. Despite government claims that NAB cases pursued independently of an individual’s political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary, which rely on courts marshal and Supreme Judicial Council venues, respectively.” [2h] (Section 1e)

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

Double jeopardy

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

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

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

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

- 11.34 The same letter noted:

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

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

1997 specific reference is made to a 'foreign court of competent jurisdiction' and it is therefore safe to conclude that a 'court of competent jurisdiction' for purposes of Section 403 of the Code has to be a court within the territorial jurisdiction of Pakistan...

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

[Return to contents](#)
[Go to list of sources](#)

PENAL CODE

Text of Penal Code

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

Qisas and Diyat Ordinances

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

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

- 11.37 The USSD Report 2007 recorded "The law allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (diyat) or physical restitution (qisas). While diyat was invoked, particularly in NWFP [North-West Frontier Province] and in honor cases in Sindh, qisas were not used." [2h] (Section 1e)
- 11.38 The Human Rights Commission of Pakistan (HRCP) report, State of Human Rights in 2007, released 29 March 2008, stated that "A significant development in 2007 was an appreciable increase in edicts/verdicts issued by Qazi courts in the informal sector or by clerics individually. The most glaring instance was the creation of a Qazi court at the Lal Masjid in Islamabad. Quite a few people were staggered by reports that one of the first cases taken up by this court had been referred to it by the government." [27a] (p36, Administration of justice; Jirga system sanctified)

(See also above sub-sections 11.08: [Shari'a Courts \(Islamic Law\)](#); and 11.21: [Tribal Justice System](#))

[Return to contents](#)
[Go to list of sources](#)

Blasphemy Laws

- 11.39 The USSD International Religious Freedom Report 2006 (USSD IRF Report 2007) released September 2006, observed that “Freedom of speech is subject to ‘reasonable’ restrictions in the interests of the ‘glory of Islam.’ The consequences for contravening the country’s ‘blasphemy laws,’ are the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur’an; and ten years’ imprisonment for insulting another’s religious feelings.” [2a] (Section II)

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

[Return to contents](#)
[Go to list of sources](#)

Hudood Ordinances

- 11.40 The Human Rights Commission of Pakistan cited a report released in 2003 by the National Commission on the Status of Women which stated that:

“In 1979 the following four Hudood Ordinances were enforced:

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

- 11.41 The Freedom House report, Freedom in the World 2008, Pakistan, reported that “The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses. They also provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments.” [19a]

- 11.42 The USSD Report 2007 noted that:

“Before the 2006 Women’s Protection Bill, the Hudood Ordinances provided Koranic punishments for violations of Shari’a (Islamic law), including amputation and death by stoning. Authorities did not use such punishments. [2h] (Section 1c) ...The bill reversed the most negative aspects of the Hudood Ordinances, which contained provisions for the punishment for rape and adultery and was generally used by family members to control their children’s marriage choices, by abusive husbands to control their wives, or by neighbors to settle personal scores. The new law brought the crime of rape under the

jurisdiction of criminal rather than Islamic courts. While sex outside a marriage remained a crime, police lost the authority to investigate such claims under the new law, implementation of which was a problem because of the lack of training of police and lack of awareness of the bill's technicalities. After the passage of the law, police were not allowed to arrest or hold a woman overnight at a police station without the permission of a civil court judge... After the passage of the Women's Protection Bill, all cases against women were cited under it and not the Hudood Ordinances.” [2h] (Section 1e)

11.43 The USSD Report 2006 noted:

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

11.44 The USSD 2007 Report also noted that despite the introduction of the Women's Protection Act on 1 December 2006 that:

“According to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. However, with the enactment in December 2006 of the Women's Protection Bill, women are not supposed to be arrested under the Hudood Ordinance nor required to produce four witnesses to prove a charge of rape, as required under the zina laws (laws regarding extramarital sexual intercourse)... After the passage of the Women's Protection Bill, authorities released from prison approximately 300 to 500 women due to the less-harsh guidelines in the bill. In July [2007] the president promulgated the Law Reforms Ordinance, allowing women held under the Hudood Ordinance to be eligible for bail. According to the Progressive Women's Association, approximately 1,300 to 1,500 additional women were released upon the passage of the Law Reform Ordinance. This bail eligibility process, however, was stalled when the Supreme Court decided on a petition by a male prisoner who claimed gender discrimination because he was being held under similar charges and was not being granted bail eligibility because of his gender.” [2h] (Section 1d)

11.45 The USSD IRF Report 2007 stated that “Nearly all women charged under the Hudood Ordinances were released following the passage of the Women's Protection Act. Several hundred remain within the legal system, but they were now housed in various Daarul Amaans (state operated women's shelters). Many were unable to return to their homes because of social ostracism.” [2f] (Section II)

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

[Return to contents](#)
[Go to list of sources](#)

12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The USSD Report 2007 stated that: “The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law.” The same source provided detail on the legal process for arrests. “A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention.” [2h] (Section 1d)
- 12.02 The USSD Report 2007 continued that:
- “The district coordinating officer may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners were held in preventive detention for up to six months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely provided that judicial concurrence is granted every 15 days.” [2h] (Section 1d)
- 12.03 On availability of bail and the legal process the USSD Report 2007 noted that:
- “The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and non bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court’s discretion for non bailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until six months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that 50 to 52 percent of the prison population was awaiting trial.” [2h] (Section 1d)
- 12.04 The Code of Criminal Procedure, 1898, as amended by Act II in 1997, is available on the Punjab Police’s website. The document codifies the arrest and trial process, and provides procedural guidance, among other things, on the power of the courts; arrest, escape and recapture; compelling appearance before a court; production of documents and movable property before a court; unlawful assembly; and proceedings in prosecution cases. [79]

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

[Return to contents](#)
[Go to list of sources](#)

13. PRISON CONDITIONS

13.01 The USSD Report 2007 stated that:

“Prison conditions did not meet international standards and were extremely poor, except for those cells of wealthy or influential prisoners. Overcrowding was widespread. According to SHARP [Society for Human Rights and Prisoners’ Aid], there were 90,000 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. The number increased from the previous year because of an increase in the number of political prisoners held under the Maintenance of Public Order Act after President Musharraf declared an SOE [State of Emergency] on November 3, according to SHARP. Under the SOE, approximately 6,000 individuals were arrested and held in temporary detention for a few hours to a few weeks. Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Foreign prisoners often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home countries... Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population. There were reports of prison riots, largely due to the poor living conditions inside prisons.” [2h] (Section 1c) The USSD Report 2006 noted “Police held female detainees and prisoners separately from male detainees and prisoners.” [2b] (Section 1c)

13.02 The USSD Report 2007 added that those held on political or national security grounds were:

“...reported to be held in different conditions than the general prison population and often in separate facilities. The government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers, with some restrictions. Visits by local human rights monitors occurred during the year. Local NGOs, including Global Foundation, SHARP, and HRCP, frequently visited jails, subject to some restrictions. While the International Committee of the Red Cross (ICRC) had access to jails, the government denied the ICRC access to alleged terrorist detainees.” [2h] (Section 1c)

13.03 The USSD Report 2006 recorded that “According to an Islamabad based NGO [Non Governmental Organisation], inmates complained about their treatment by jail staff and the ‘culture of bribery’ that prevailed at various levels of jail administration. Few resources were allocated to the maintenance of prison facilities.” [2b] (Section 1c)

13.04 The USSD IRF Report 2006 reported that:

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

13.05 The USSD Report 2007 also noted that:

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

13.06 The USSD Report 2007 stated that “According to the International Human Rights Observer, a local NGO, there were 3,200 to 3,500 women in jails nationwide as of October [2007].” [2h] (Section 1c) However the USSD IRF 2007 Report noted that during its reporting period (September 2006 to September 2007) President Musharraf had ordered the release of all women detained under the Hudood Ordinances and few remained in custody. [2f] (Introduction)

[Return to contents](#)
[Go to list of sources](#)

14. DEATH PENALTY

- 14.01 Pakistan retains the death penalty for ordinary crimes (Amnesty International, 20 February 2008) [4c] including murder, blasphemy, arms trading, drug trafficking, armed robbery, stripping a woman of her clothes in public, extra-marital sex and rape. (Human Rights Watch, 30 May 2008) [13e] (p16)
- 14.02 During 2007 135 people were reported to have been executed, including one who was under 18 at the time the offence was committed. In addition 310 people were reportedly sentenced to death. (Amnesty International, May 2008) [4a] (Death Penalty) and “[t]here were more than 7,000 prisoners on death row. (HRCP, 29 March 2008) [27a] In addition “[t]wo men and a woman were stoned to death... in 2007, but in a[n] extra-judiciary case, tried by a tribal jury.” (Hands Off Cain, August 2007) [80]
- 14.03 The Foreign and Commonwealth Office (FCO) Human Rights Annual Report 2007 stated that “More than 400 individuals are sentenced to death each year and 40 to 50 executions are carried out.” The FCO estimated that over 7,500 people were being held on death row. [11e]

[Return to contents](#)
[Go to list of sources](#)

15. POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.01 The USSD Report 2007 noted that: “The law provides for freedom ‘to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order,’ and freedom of association; however, the government did not observe these rights.” [2h] (Section 2b)

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

” While the law provided for this right, in practice, the government placed selective restrictions on the right to assemble and sometimes refused permits for processions in urban areas... The government restricted freedom of assembly during and beyond the 42-day SOE by invoking laws that limit the assembly of groups larger than four without government permission. Following suicide attacks against former prime minister Bhutto and others, the government continued to restrict large gatherings, including political rallies... Ahmadis have been prohibited from holding any conferences or gatherings since 1984... Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists and journalists.” [2h] (Section 2b)

15.03 On freedom of association, the same report added:

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

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

(See section 4: [Recent Events](#), subsection [State of Emergency](#))

[Return to contents](#)
[Go to list of sources](#)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.05 The USSD Report 2007 noted that:

“The government permitted all existing political parties to function. According to the PPP, they faced increased intimidation following the assassination of

Benazir Bhutto on December 27 [2007]. The PPP reported that 1,627 cases were registered against 510,351 of their activists in one district of Hyderabad. The government ban on political party activities in the FATA continued. According to the Frontier Crimes Regulation Act, the Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Two secular political parties, the Awami National Party and the PPP, complained that this rule was void, since religio-political parties such as Jamiat e Ulema e Islam and Jamaat e Islami openly campaigned in the FATA.” [2h] (Section 3)

- 15.06 The Freedom House report *Freedom in the World 2008*, on Pakistan, observed that “A 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau and established special courts to try corruption cases. Musharraf has used these organs to prosecute rival politicians and officials from previous governments.” [19a] The USSD Report 2007 also noted that “Despite government claims that NAB cases were pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB prosecuted no serving members of the military or judiciary.” [2h] (Section 1d)
- 15.07 The *Daily Times* reported, on 29 June 2008, that:

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

(See also Section 4: [Militant activity](#) and Annex B: [Political organisations](#))

[Return to contents](#)
[Go to list of sources](#)

Lawyers

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

“Government attempts to suppress a movement led by lawyers to restore the chief justice were often violent. Security personnel beat lawyers, opposition activists and journalists covering unfolding events. The political crisis deepened on May 12, when 42 people died in violence instigated by activists of the Mutahedda Qaumi Movement (MQM), a major coalition partner in the Musharraf government, trying to prevent Chaudhry from entering Karachi to address the Sindh High Court Bar Association. In the face of relentless country-wide protests by lawyers and human rights activists, joined later and only half-heartedly by opposition political party activists, Musharraf temporarily

backed down and the Supreme Court restored the chief justice to office on July 20 [2007].” [13c] (Background: The Lawyers’ Movement for Judicial Independence)

- 15.09 In its report on the events following the declaration of the state of emergency, ‘Fatal erosion of human rights safeguards under emergency’, dated 23 November 2007, Amnesty International observed that “Members of Pakistan’s legal profession have been at the forefront of protests against the abrogation of constitutional protections, human rights violations and the assault on the independence of the judiciary. Several senior lawyers, including former Supreme Court Bar Association (SCBA) presidents Tariq Mahmood and Munir A Malik, have been held incommunicado since they were arrested on 3 November.” [4d]
- 15.10 On 25 March 2008, BBC News reported the release of dozens of Pakistani judges, including former Chief Justice Iftichar Chaudhry, following their detention under President Musharraf emergency rule in November 2007. New Prime Minister, Yousaf Raza Gillani, ordered the judges’ release following his election on 24 March 2008. [35e]
- 15.11 On 10 June 2008, BBC News reported on the ‘long march’ – a countrywide protest attended by lawyers from across Pakistan demanding both the resignation of President Musharraf and the reinstatement of the judges sacked during emergency rule in 2007. The PPP and the PML-N have been unable to agree on the mode in which to restore the judges. [35at]

(See section 4: [Recent Events](#), subsections [State of Emergency](#) and [Parliamentary elections and the new government](#))

[Return to contents](#)
[Go to list of sources](#)

16. FREEDOM OF SPEECH AND MEDIA

16.01 The USSD Report 2007 noted that “The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, the government often impeded criticism by monitoring political activity and controlling the media. Journalists and their families were arrested, beaten, and intimidated. Many journalists practiced self-censorship.” [2h] (Section 2a)

16.02 The USSD IRF 2007 Report observed, in particular with regard to religion and the blasphemy laws, that:

“Freedom of speech is subject to ‘reasonable’ restrictions in the interests of the ‘glory of Islam.’ The consequences for contravening the country's blasphemy laws are death for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur'an; and 10 years' imprisonment for insulting another's religious feelings. These laws are often used to settle personal scores as well as to intimidate reform-minded Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorist Act, any action, including speech, intended to stir up religious hatred is punishable by up to 7 years of imprisonment. Under the act, bail is not to be granted if the judge has reasonable grounds to believe that the accused is guilty; however, the law is applied selectively.” [2f] (Section II)

16.03 The BBC News Country Profile: Pakistan, updated on 18 June 2008, observed that:

“President Pervez Musharraf's rule ushered in increased freedom for the print media and a liberalisation of broadcasting policies... media rules were tightened in 2007 in the midst of an opposition campaign against the president. The legislation gave the broadcasting regulator more power to shut down TV stations... Television is the dominant medium, and licences for more than 40 private satellite TV stations have been awarded, bringing increasing competition for the state-run Pakistan Television Corporation. But there are no private, terrestrial TV stations. Many Pakistanis watch international satellite TV channels, via a dish or an often-unlicensed cable TV operator... Around 100 licences have been issued for private FM radio stations, although not all of them have been taken up. Pakistan's media regulator has estimated that the country can support more than 800 private radio stations. Private stations are not allowed to broadcast news... The government uses a range of legal and constitutional powers to curb press freedom. The shutting down of private TV news channels accompanied the declaration of a state of emergency in late 2007, and the law on blasphemy has been used against journalists.

“Nevertheless, Pakistan's print media are among the most outspoken in South Asia.

“The Internet Service Providers Association of Pakistan estimated in March 2007 that there were between three and five million internet users. The authorities filter some websites. A small but growing number of bloggers write about political topics.” The BBC profile also lists a number of the principal English language newspapers/journals, and television and radio stations. [35ao] (Media)

16.04 On the same subject, the USSD Report 2007 added:

“Newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within the territory. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause. There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, which is the official carrier of government and international news to the local media... The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas that would allow them to work as journalists.

“The government directly owned and controlled Pakistan Television and Radio Pakistan, the only non-fee national electronic broadcasters. Both reflected government views in news coverage. Private cable and satellite channels GEO, ARY, Aaj, *Dawn*, Indus, and Khyber broadcast domestic news coverage and were critical of the government. Following the president[’s] declaration of the SOE on November 3, the government ordered cable operators not to carry any private television stations and blocked a number of private radio stations from broadcasting. When some viewers managed to follow GEO and ARY broadcasts via satellite or the Internet, the government persuaded authorities in the United Arab Emirates to order GEO and ARY to stop broadcasting from their studios in Dubai.” [2h] (Section 2a) However Reporters without Borders reported on 21 January 2008 that most TV stations resumed broadcasting on 12 November 2007 after signing a code of conduct introduced by the Government. The article also noted the lifting of the broadcasting ban on the private TV Station Geo news channel, *Geo News*, on 19 January 2008. [23d]

16.05 During the state of emergency, declared on 3 November 2007, all private stations and radio stations were initially taken off air. (BBC News, 4 November 2007) [35af] Newspapers were allowed to continue to publish but with restrictions. (BBC News, 4 November 2007) [35af] President Musharraf introduced a number of curbs on the media, achieved by modifying the “2002 Press, Newspapers, News Agencies and Books Registration Ordinance and the 2002 Pakistan Electronic Media Regulatory Authority Ordinance.” (Reporters without Borders (RSF), 6 November 2007) [23b]

16.06 The RSF article continued:

“...all the media are now forbidden to broadcast video footage of suicide bombers or terrorists, or statements by militants and extremists; express opinions prejudicial to the ideology, sovereignty, integrity or security of Pakistan; incite violence or hatred or any action prejudicial to maintenance of law and order; broadcast anything that brings the president, armed forces or state institutions into ridicule; refer to any matter that is sub-judice; or broadcast anything that could be false or baseless If the new regulations are violated, the government is given full powers to seize newspapers, while the Pakistan Electronic Media Regulatory Authority (PEMRA) is given similar powers to confiscate equipment from broadcast media. Media owners face up to three years in prison and a fine of 10 million rupees. Pakistani radio and TV

stations are also banned from signing broadcast agreements with foreign news media without PEMRA's permission, while cable operators and distributors can be sentenced to up to a year in prison for breaking the new rules." [23b]

- 16.07 However the new coalition Government took steps to remove the restrictions on the media imposed by President Musharraf. Information Minister, Sherry Rehman, was reported on 11 April 2008 of having, "introduced a parliamentary bill proposing to end the ban on live broadcasts [and]...scrap[s] punishments for journalists who 'defame' the president, the government or the army." Ms Rehman stated that "The amendments will remove the entire apparatus of restrictions imposed on the press," and added "We will put our own house in order and we will allow the press to broadcast not just live telecast but all that they feel fit to broadcast". (BBC News, 11 April 2008) [35ap]

[Return to contents](#)
[Go to list of sources](#)

JOURNALISTS

- 16.08 The USSD Report 2007 noted:

"There was an increase in government arrests, harassment, and intimidation of journalists during the year. According to Internews, an NGO that monitored the state of the media in the country, there were 163 attacks against the media and journalists during the year. By the end of the year, at least seven journalists had been killed and 100 abducted. All of the abductees later were released with no charges filed against their abductors. In addition, seven publications, all private television channels, two FM radio stations, and 11 Web sites temporarily were banned and 15 media organizations were raided. Approximately 100 journalists and media organizations had on-going cases; seven journalists were prevented from covering official functions; and nine media organizations were denied state-sponsored advertising from public funds due to their criticism of government policies." [2h] (Section 2a)

- 16.09 The Freedom House report, Freedom in the World 2008, Pakistan, commenting on events in 2007 noted that:

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

- 16.10 The Human Rights Watch World Report 2008 stated that:

"Concerted and increasing attempts by the Pakistani government to muzzle the media continued throughout 2007. Journalists faced persistent pressure and threats from the government to tone down their coverage of the anti-government protests. Media offices were physically attacked and closely monitored by the security forces. Reporters working for local, regional,

national, and international media faced torture, kidnapping, illegal detention, beatings, and coercion...

“Since the November imposition of martial law, Musharraf has imposed sweeping curbs on the media through two presidential decrees and hundreds of journalists have been threatened, beaten, attacked, and detained. Some international journalists were expelled and many private and international television stations were removed from the air for several weeks. They were restored after they accepted government restrictions including bans on journalists and programming deemed objectionable by the government. Country-wide protests against curbs on the media have been violently suppressed on multiple occasions.” [13b] (Freedom of expression)

- 16.11 Reporters Without Borders [Reporters Sans Frontières – RSF] 2008 annual report on Pakistan, released on 1 February 2008, noted that in 2007:

“Six reporters were killed, nearly 250 arrested and more than 100 incidents were recorded of threats and physical assault. The brutality came from all sides: the army, Islamists, political militants and local organised crime... The government in June promulgated the PEMRA [Pakistan Electronic Media Regulatory Authority] Amendment Ordinance 2007 to boost the regulatory body’s power of censorship and control over television stations and cable operators... On the day emergency rule was declared, Pervez Musharraf told PEMRA to halt broadcasts on all cable networks of all privately-owned regional and national TV stations, and in particular news channels. Only state-run PTV continued to broadcast... As the crisis surrounding the sacking of the president of the Supreme Court [Iftikhar Mohammed Chaudhry] gathered steam, journalists were frequently attacked and beaten up by the security forces... The few journalists who work in the tribal areas bordering Afghanistan, members of the Tribal Union of Journalists (TUJ), were targeted by the Taliban and their Jihadist allies, but also by the authorities... Pakistani security forces fighting separatism in Balochistan, in the south-west, secretly detained many civilians there, including journalists.” [23a] (Pakistan. p96-100)

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

- 16.13 The RSF and the Committee to Protect Journalists (CPJ) have reported a number of incidents of arrests, kidnapping, killing of and threats against journalists in Pakistan during 2007 and 2008 (see the [RSF](#) and [CPJ](#) website sections on Pakistan). [RSF – 23c; CPJ – 22a]

(See section 4: [Recent Developments](#))

[Return to contents](#)
[Go to list of sources](#)

17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The USSD Report 2007 noted that:

“A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, during the SOE, police arrested human rights activists, including the leaders of the HRCP [Human Rights Commission of Pakistan]. On November 4, police raided the HRCP’s office in Lahore and arrested approximately 60 human rights activists, including the Chairman of HRCP, I.A. Rahman. All were brought before a judicial magistrate and were sent to Kot Lakpat Jail, Lahore. They were released on November 7 [2007]...

“International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. However, following the SOE, international NGOs faced greater difficulties in receiving visas.” [2h] (Section 4)

17.02 The USSD 2007 Report also noted that:

“The government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers, with some restrictions. Visits by local human rights monitors occurred during the year. Local NGOs, including Global Foundation, SHARP, and HRCP, frequently visited jails, subject to some restrictions. While the International Committee of the Red Cross (ICRC) had access to jails, the government denied the ICRC access to alleged terrorist detainees.” [2h] (Section 1c)

17.03 The Freedom House report, ‘Freedom in the World 2008’, Pakistan, stated that the:

“Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that work on issues of female education and empowerment, and female NGO staff in general, have faced threats and attacks from Islamic fundamentalists, particularly in the north. Citing security concerns, the government has at times prevented aid groups from operating in Baluchistan, exacerbating the humanitarian situation there. Conditions for the NGO community worsened in November 2007, when Asma Jahangir and at least 50 other activists and members of the Human Rights Commission of Pakistan (HRCP) were detained and kept in prison. While many were released after several days, some, including Jahangir, were subject to more stringent controls and prolonged periods of house arrest.” [19a]

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

17.05 The same report also noted that those affected included:

“...the Chair of the Commission, UN Special Rapporteur for freedom of religion Asma Jahangir. She was served a 90-day detention order on 3 November [2007] under preventive detention laws and remained confined in her house, which was declared a sub jail by the authorities, till 17 November [2007], when the detention order was withdrawn. A similar detention order was issued against Hina Jilani, UN Special Representative of the Secretary General on human rights defenders, who currently is not in Pakistan.” [4d]

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

[Return to contents](#)
[Go to list of sources](#)

18. CORRUPTION

18.01 In its 2007 Corruption Perceptions Index (CPI), Transparency International ranked Pakistan 138th in the world corruption ranking, out of 179 countries, giving it a CPI score of 2.4. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [81] The USSD Report 2007 noted in its introduction that “Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem.” [2h] The report added “The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread. The Worldwide Governance Indicators of the World Bank reflected that corruption was a severe problem.” [2h] (Section 3)

18.02 The Freedom House Freedom in the World 2008 report on Pakistan noted that:

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

(See also section 9: Security Forces, subsection: [Police](#))

Fraudulent documents

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

“A July 2005 article in Dawn, a Karachi-based newspaper, states that ‘tens of thousands of Pakistanis manage every year to reach [the] UK on forged documents and through other means of human trafficking’. In an article on human trafficking [March 2005], The Daily Times... indicates that ‘illegal immigrants travelling with fake student visas’ are also commonplace. The Human Rights Commission of Pakistan (HRCP), a non-governmental organization which promotes the advancement of human rights in Pakistan indicates in their 2006 report that during the previous four years, over 33,000 Pakistanis were returned to Pakistan after using fraudulent travel documents to enter Oman. The HRCP report also estimates that over 300,000 people were thought to leave Pakistan by illegal means each year.” [121]

18.04 The same source noted:

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

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

18.05 Another CIRB RIR, dated 18 June 2004, stated that:

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

18.06 The same report noted:

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

[Return to contents](#)
[Go to list of sources](#)

19. FREEDOM OF RELIGION

OVERVIEW

- 19.01 The US State Department International Religious Freedom Report (USSD IRF Report) 2007, published on 14 September 2007, stated in its introduction that Pakistan:

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

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

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

“Sectarian and religiously motivated violence continues, particularly against Shi’a Muslims, Ahmadis, Christians, and Hindus, and the government’s response continues to be insufficient and not fully effective. A number of the country’s laws, including legislation restricting the rights of the Ahmadi

community and laws against blasphemy, frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused. Moreover, despite some minor improvements, Pakistan's Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments, including amputation and death by stoning, for violations of Islamic law. Finally, substantial evidence that the government of Pakistan has been complicit in providing sanctuary to the Taliban also mounted in the past year..." [53] (p162)

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

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

- 19.05 The HRW, World Report 2008, Events in 2007, Pakistan, released 31 January 2008, noted that "Legal discrimination and persecution on grounds...of religion continued in 2007....The Ahmadi religious community was a particularly frequent target of religious discrimination in 2007. Numerous blasphemy cases were registered against its members and scores were arrested" [13b]

Demography

- 19.06 Based on the Pakistan's most recent census conducted in 1998 the USSD IRF Report 2007 recorded that:

"...approximately 96 percent of the population was Muslim. Groups comprising 2 percent of the population or less include Hindus, Christians, and others including Ahmadis. The majority of Muslims in the country are Sunni, with a Shi'a minority ranging between 10 to 20 percent. Parsis (Zoroastrians), Sikhs, and Buddhists each had approximately 20,000 adherents, while the Baha'i claimed 30,000. Some tribes in Baluchistan and North-West Frontier Province (NWFP) practiced traditional animist religions.

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

- 19.07 However, the USSD IRF Report 2006 noted that leaders of non-Muslim groups claimed that religious minority groups actually represented 10 per cent of the total population [so based on the CIA Factbook's estimate of the population in 2007 – see section 1: [Geography](#) – about 16 million people]. [2a] (Section)

[Return to contents](#)
[Go to list of sources](#)

CONSTITUTION AND LEGISLATION

- 19.08 The USSD IRF Report 2007 stated that "The Constitution establishes Islam as the state religion. It also declares that adequate provisions shall be made for minorities to profess and practice their religions freely; however, in reality the

Government imposes limits on freedom of religion, particularly on Ahmadis.” [2f] (Section II) The USCIRF Report 2008 observed that discriminatory legislation introduced in previous decades had fostered an atmosphere of religious intolerance and undermined the social and legal status of religious minorities, including members of the Shia, Ahmadi, Hindu and Christian communities. The report also noted that “Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and perpetrators of attacks on minorities are seldom brought to justice.” [53] (p163)

Blasphemy Laws

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

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

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

- 19.10 The USSD IRF Report 2007 added that “Freedom of speech is subject to ‘reasonable’ restrictions in the interests of the ‘glory of Islam.’ The same report observed that while the blasphemy laws were supposed to protect all religions, where the feelings of religious minority were insulted the legislation was rarely enforced and cases only occasionally entered the legal system. [2f] (Section II)

19.11 The same report also noted that:

“Public pressure routinely prevented courts from protecting minority rights. These same pressures forced justices to take strong action against any perceived offense to Sunni orthodoxy. Discrimination against religious minorities was rarely placed before the judiciary. Courts would be unlikely to act objectively in such cases. Resolving cases was very slow; there was generally a long period between filing the case and the first court appearance. Lower courts were frequently intimidated, delayed decisions, and refused bail for fear of reprisal from extremist elements. Bail in blasphemy cases was usually denied by original trial courts, arguing that since defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail was often not granted in advance of the trial.” [2f] (Section II)

19.12 The USSD IRF Report 2007 stated that the blasphemy laws “...are often used to settle personal scores as well as to intimidate reform-minded Muslims, sectarian opponents, and religious minorities.” The same source observed that the “Authorities detained and convicted individuals on spurious charges. Judges and magistrates, seeking to avoid confrontation with or violence from extremists, often continued trials indefinitely.” [2f] (Section II: Status of Religious Freedom)

19.13 As noted in the USSD Report 2007:

“Complaints under the blasphemy laws were used in business or personal disputes to harass religious minorities or other Muslims. Most complaints were filed within the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups.” [2h] (Section 2c: Freedom of Religion)

19.14 Reporting on the issue of the changes introduced to the blasphemy laws in 2005, the USSD Report 2007 observed that “... the president signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. However, according to human rights and religious freedom groups, this was not effective because senior police officers did not have the resources to review these cases. During the year the courts convicted two persons and acquitted two others under the blasphemy laws; 70 cases were ongoing.” [2h] (Section 2c) On the same matter the USCIRF Report 2008 commented that “Although the penalties were amended in October 2004 with the aim of reducing the more maliciously applied charges, the minor procedural changes have not had a significant affect on the way the blasphemy laws are exploited in Pakistan.” [53] (p165)

19.15 The USCIRF Report 2008 report added that:

“The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats have proven credible, since the threats have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy

laws, some persons have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country.” [53] (p165)

- 19.16 In contrast to the point made by the two later sources – the USSD Report 2007 and the USCIRF Report 2008 – that the new procedures had had no impact on the numbers of blasphemy cases, the USSD IRF Report 2006 observed that there had been in a decline from 54 cases reported in the previous year (September 2004 – September 2005) to 24 new blasphemy cases brought during its reporting period (September 2005 to September 2006). This drop in cases may have been due to the revision in the implementation of the laws, which were changed so senior police officers were required to investigate cases before charges were filed. [2a] (Section II) The same report added “According to figures compiled by local NGOs, between 1986 and April 2006, 695 persons were accused of blasphemy: 362 Muslims, 239 Ahmadis, 86 Christians, and 10 Hindus. In many cases filed during the year, the accused were either released on bail or charges were dropped. Of the 695 individuals accused of blasphemy at the end of the reporting period [September 2006], 22 remained in detention awaiting trial on blasphemy charges, and 9 were in prison following conviction.” [2a] (Section II) However the USSD IRF Report 2007 noted that “During the reporting period [September 2006 to September 2007], authorities arrested at least 25 Ahmadhis, 10 Christians, and 6 Muslims on blasphemy charges [a total of 41 cases as compared to 24 in the previous reporting year]. Many remained in prison at the end of the reporting period. The National Commission for Justice and Peace stated that ‘Generally we do not request bail because of security. Blasphemy suspects are often safest in prison under police protection’.” [2f] (Section II: Status of Religious Freedom)

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

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

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

[Return to contents](#)
[Go to list of sources](#)

Hudood Ordinances

- 19.18 The USSD IRF Report 2006 observed that “The Hudood Ordinances criminalize rape, extramarital sex, property crimes, alcohol, and gambling.

They apply equally to Muslims and non-Muslims. Hudood violations can be tried on either Qur'anic or secular standards of evidence. If Qur'anic standards are used, Muslim and non-Muslim and male and female testimony carries different weight, and harsh Qur'anic punishments can be applied." [2a] (Section II: Status of Religious Freedom)

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

"...cases have been successfully prosecuted under secular standards, in which testimony has equal weight, and jail terms and fines have been applied. In January 2005, the Government adopted new legislation requiring a court order prior to detention of women on Hudood charges. Approximately 246 women were imprisoned under the Hudood Ordinances as of the end of the reporting period [September 2006]...President Musharraf ordered the release of all women imprisoned under the Hudood Ordinances at the end of the reporting period." [2a] (Section II: Status of Religious Freedom)

- 19.20 On 1 December 2006 President Musharraf signed into law the Protection of Women Act. The law "essentially moved cases of rape and adultery to the secular rather than Shari'a courts. Previously the Hudood Ordinances... often relied on harsh and discriminatory Qur'anic standards of evidence and punishment, which apply equally to Muslims and non-Muslims." (USSD IRF Report 2007) [2f] (Section II: Legal/Policy Framework)

(See section 11 on [Hudood Ordinances](#) and section 23: Women, subsection [Women's Protection Act \(and the Hudood Ordinances\)](#))

[Return to contents](#)
[Go to list of sources](#)

Anti-terrorist laws

- 19.21 The USSD IRF Report 2007 recorded:

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

Apostasy

- 19.22 As stated in the USSD IRF Report 2006 "There was no law against apostasy; however, societal pressure against conversion from Islam was so strong that any conversion almost certainly would take place in secret." [2a] (Section II)
- 19.23 On 9 May 2007, Asianews reported that a draft bill on apostasy had been adopted in its first reading by the National Assembly and had been put before a parliamentary standing committee for consideration. The article stated that "Tabled by a six-party politico-religious alliance, the Muttahida Majlis-i-Amal or MMA, the Apostasy Act 2006 which the government sent to the committee would impose the death penalty on Muslim men and life in prison on Muslim

women in case they leave Islam. It would also force them to forfeit their property and lose legal custody of children.” [54] The COI Service is not aware, at the time of writing (12 July 2008), that the bill has progressed through the Pakistan parliament. However the USCIRF Report 2008 noted that “Significantly, the representation of Pakistan’s coalition of militant religious parties, ...Muttahida Majlis-e-Amal (MMA), fell from 56 elected seats out of 272 to just six in the new parliamentary assembly.” [53] (p162)

Provincial law – North West Frontier Province

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

19.25 The USSD IRF Report 2007 also stated that:

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

[Return to contents](#)
[Go to list of sources](#)

INTER-FAITH MARRIAGE

19.26 An email dated 24 June 2008 from the Foreign and Commonwealth Office (FCO) British High Commission (BHC), Pakistan, stated that in Islam a Muslim woman and a non-Muslim man cannot marry. If such a couple were to have a child, that child would be considered illegitimate on the grounds that the parents would not, and could not, be legally married. Should this happen in Pakistan, it would be considered adultery. The BHC went on to say that the Islamic punishment for adultery is stoning to death although in reality the penalty would be at least a lengthy prison sentence and “considerable social stigma”. [11h]

19.27 International Christian Concern (ICC) reported, in an article dated 6 June 2008, on the death threats received by a Muslim man from Muslim extremists because he had acted as a witness in a marriage between a Christian man and Muslim woman. The witness was accused of participating in an “un-Islamic activity” and a fatwa was issued against him by the head of the local mosque. ICC stated that:

“In Muslim societies, the father determines what religion the children will be, and so the marriage of a Christian man to a Muslim woman is a severe affront to Islam. On the other hand, Muslims have no problem if a Muslim man marries a Christian woman. This lack of reciprocity is designed to guard Islam from other religions, and causes Muslims to wink when men rape Christian women but demand death for those who even assist a freely chosen marriage between a Christian man and a Muslim woman.” [43]

- 19.28 The Centre for Legal Aid, Assistance and Settlement, a Christian support organisation based in Lahore, stated in an undated article that if a Muslim woman married a Christian man it would be against the “pride and honor” of the Muslim woman’s family. The article stated that the family would take the ‘offence’ “...very seriously, and if the couple go into hid[ing] the [family will] search [for] them, find them and kill both including the family of that Christian boy. They also charge the boy/man and his family for abduction of their daughter and try to get them behind bars.” [46]

[Return to contents](#)
[Go to list of sources](#)

FATWA

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

- 19.30 The CIRB response added that:

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

- 19.31 With regard to the impact of fatawa the CIRB report observed:

“The influence of a fatwa reportedly depends on the stature of the person who issues it...It is also said to depend on the popularity and/or the practicality of the fatwa...According to the Professor of Islamic Studies, a person who asks for a fatwa can follow the interpretation or ruling, but is not obligated to do so; he or she may go to another mufti for a different ruling. The University of Toronto Professor of Law similarly indicated that a fatwa is an opinion with no

legal standing and that it is up to an individual to decide whether he or she wants to ignore it or take it seriously...According to the Professor of Islamic Studies at Emory University, when a fatwa runs against the interests of government, then it can be declared invalid by the state (e.g., if a fatwa is issued by an 'extremist' group). He noted that certain fatawa are resisted by the government because they are found to be 'unhelpful for political leaders'.... However, the Professor stated...'[g]enerally, a fatwa represents the interest of a specific group (e.g., a moderate or 'extremist' group). Even though a fatwa may not be recognized by the government, the group that issued it takes it seriously. In such a case, a fatwa issued against an individual can be just as dangerous as if it were government action against the individual'." [12k]

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

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

- 19.33 The same source continued:

"Fatwas are issued privately by various scholars in whom the people have trust. The common practice is that a number of religious teaching institutions (Madrasas) have organizations of fatwa under their supervision. There are also individual scholars who issue these fatwas. However, there is no process of official recognition of any mufti or fatwa. The people consult these institutions and individuals on the basis of their knowledge and reputation.

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

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

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

- 19.35 The article further noted that fatwas do not fall “within the ambit of the law” and added that:

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

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

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

[Return to contents](#)
[Go to list of sources](#)

VOTING RIGHTS

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

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

- 19.39 The report continued:

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

19.40 The Legal Framework Order (LFO) 2002 [14c] altered article 51 of the Constitution so that ten seats in the National Assembly were reserved for non-Muslims (including Christians, Sikhs, Hindus, Parsis and Ahmadis). (National Reconstruction Bureau; Part III of the Constitution of the Islamic Republic of Pakistan, undated) [57] The LFO also amended article 106 of the constitution so that the Provincial Assemblies would have seats reserved for non-Muslims: three seats in both Balochistan and NWFP, eight in Punjab and nine in Sindh (though Ahmadis were not entitled to reserved representation in Baluchistan). (National Reconstruction Bureau; Part III of the Constitution of the Islamic Republic of Pakistan, undated) [57]

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

“Those wishing to be listed as a Muslim must swear to believe that Muhammad is the final prophet and denounce the Ahmadiyya movement's founder as a false prophet and his followers as non-Muslims, a provision designed to discriminate against Ahmadis. Initial voter registration no longer required such an oath, but the Election Commission claimed that any Muslim registrant [sic] whose religion was challenged by the public would have to take the oath. As a result, Ahmadis continued to boycott elections.” [2f] (Section II)

[Return to contents](#)
[Go to list of sources](#)

AHMADIS

Background

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

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

“After his death, his followers elected Mawlana Nur ad-Din as his successor. Nur ad-Din died in 1914, and the community split into two branches. The majority remained in Qadiyan and recognized Ghulam Ahmad as prophet (nabi). The basic belief held by the Qadiyani community was and is that it is

the sole embodiment of 'True Islam.' The founder's son, Hadhrat Mirza Bashir ad-Din Mahmud Ahmad (1889-1965), was chosen as Khalifatul-Masih [caliph of the Messiah] by the Qadiyani branch, known today as the Ahmadiyya Movement in Islam (jamaat-i ahmadiyya). His half-century of leadership shaped the movement, operating after 1947 out of the city of Rabwah (which they founded and gave a Qur'anically inspired name) in Pakistan and administering a network of schools and hospitals. His successors have been chosen from among Ghulam Ahmad's descendants; the leader of the movement (since 2003) is Mirza Masroor Ahmad (b. 1950).

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

19.43 The same source noted that:

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

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

[Return to contents](#)
[Go to list of sources](#)

Demography and distribution

19.45 Official figures obtained from the last Pakistan census conducted in 1998 recorded that Ahmadis represented 0.22% (Population Census Organisation) [58b] of the total Pakistan population (at that time) of 132,325,000 (Population Census Organisation) [58a] – approximately 291,000 people. However the USSD IRF Report 2006 noted that "Ahmadis have boycotted the census since 1974, rendering official numbers inaccurate. They claimed at least 2 million adherents centered on their spiritual town of Chenab Nagar, Punjab (referred to as Rabwah by Ahmadis)." [2a] (Section 1) The USSD Report 2007 also reported a figure of two million adherents [2h] (Section 2c) while the USCIRF Report 2008 stated that there were between 3 to 4 million Ahmadis in Pakistan. [53] (p164)

19.46 A report published by Minority Rights Group International in August 2002 , entitled: 'Religious Minorities in Pakistan', noted that "Most Ahmadis are from central Punjab but are scattered across towns and cities. After their designation as a non-Muslim minority, many moved to Europe and elsewhere, although their cultural, family and language links with the Punjab remain strong." [59] (p10) The USSD IRF Report 2006 noted that the Ahmadi population was centred around Rabwah [2a] (Section I), which has a population, based on official government figures, of about 70,000. (Parliamentary Human Rights Group (PHRG) Report, January 2007) [51] (p2, Section 1, Introduction) The UNHCR, commenting on Ahmadis in a letter to the, then, Immigration and Nationality Directorate dated 13 April 2005, observed that: "Rabwah is the headquarters of the Ahmadi movement in Pakistan which is made up of 95% Ahmadis." [20a] (p3) In a letter dated 21 October 2005, the Foreign and Commonwealth Office (FCO) commented that "...very few Ahmadis are represented in public and semi public organisations in Rabwah. Approximately 54% of the voting population of Rabwah are Ahmadi, but it appears that Ahmadis do not normally vote in or contest elections for a variety of reasons." [11d]

[Return to contents](#)
[Go to list of sources](#)

Legislation discriminating against Ahmadis

19.47 The USCIRF Report 2008 observed that Ahmadis are:

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

19.48 The USSD IRF Report 2006 recorded that:

"Specific government policies that discriminate against religious minorities include the use of the 'anti-Ahmadi laws', the blasphemy laws, and the Hudood Ordinances. In 1984, the Government added Section 298(c), commonly referred to as the 'anti-Ahmadi laws', to the penal code. The section prohibits Ahmadis from calling themselves Muslims or posing as Muslims, from referring to their faith as Islam, from preaching or propagating their faith, from inviting others to accept the Ahmadi faith, and from insulting the religious feelings of Muslims. The blasphemy laws provide the death penalty for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur'an; and ten years' imprisonment for insulting the religious feelings of any citizen. These laws are often used to intimidate reform-minded Muslims, sectarian opponents, and religious minorities, or to settle personal scores." [2a] (Introduction)

19.49 The same source continued that:

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

19.50 The USSD IRF 2007 added the “1974 constitutional amendment declares Ahmadis to be non-Muslim. Section 298(c), commonly referred to as the ‘anti-Ahmadi laws,’ prohibits Ahmadis from calling themselves Muslims, referring to their faith as Islam, preaching or propagating their faith, inviting others to accept the Ahmadi faith, or insulting the religious feelings of Muslims. The punishment for violation of the section is imprisonment for up to 3 years and a fine.” [2f] (Introduction)

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

[Return to contents](#)
[Go to list of sources](#)

Passports and ID cards

19.51 The FCO’s Annual Report on Human Rights 2005 stated that:

“Pakistan introduced new machine-readable passports in early 2004. Unlike previous passports these did not state the holder’s religion. This attracted criticism from religious leaders who accused President Musharraf of secularising the country. Following pressure from the religious opposition, the government set up a parliamentary committee to investigate the issue. Its findings in favour of a religion column in passport were supported by the cabinet and all passports printed since March 2005 again include the holder’s religion...The practice discriminates against minorities, particularly Ahmadis. Application forms for passports (and voting papers) require the applicant to sign a declaration specifically rejecting Mirza Ghulam Ahmad Qadiyani as a religious figure. If Ahmadis cannot obtain a passport stating their religion as Muslim, they are not permitted on the Haj, one of the tenets of their faith.” [11c] (p216-217)

- 19.52 The USSD IRF 2007 Report observed that: “The Government designates religion on passports and national identity cards. Citizens must have a national identity card to vote.” [2f] (Section II) The USSD Report 2007 added that “Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith.” [2h] (Section 2c)

Bai’at

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

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

[Return to contents](#)
[Go to list of sources](#)

Khatme Nabuwaat

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

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

- 19.55 The same source also noted that representatives of the Ahmadi community in Rabwah stated that members or supporters of the Khatme Nabuwaat were the

principal attackers of Ahmadis and their property in Rabwah. [51] (p8 Section 2, The role of Khatme Nabuwwat (Committee to Secure the Finality of the Prophethood))

- 19.56 On 27 May 2008, *The News International* reported on a Khatme Nabuwwat conference, held on 26 May 2008. The article noted that “The conference was organised by the International Khatm-e-Nabuwwat Movement (IKNM) to mark the hundred years of successful countering of the menace of Qadiyaniat [Ahmadi teachings] and to expose the conspiracies against Islam.” The same source recorded that “Resolutions passed at the conference demanded that all attempts to change the Islamic character of the Constitution must be stopped, punishment of renegades should be fixed as per Islamic Shariah, Qadiyani Auqaf [endowments and charities] should be confiscated and their periodicals should be banned, Qadiyanis [Ahmadi’s] at key posts in civil and military bureaucracy should be dismissed...” *The News International* further noted that a Khatme Nabuwwat TV channel was due to be launched to “counter Qadiyanis’ activities.” [44d]

[Return to contents](#)
[Go to list of sources](#)

Current situation

- 19.57 On 30 June 2008, the Human Rights Commission of Pakistan (HRCP) reported that a First Information Report (FIR) was lodged on 8 June 2008 against thousands of Ahmadi residents of Rabwah. The FIR followed official celebrations of the Ahmadi community that were held across Pakistan, especially in Rabwah. The FIR stated that "... every person of every locality of the community was seen involved in these celebrations with fire works, lighting their places, and greeting each other (which is amounted to preaching of their faith, a crime according to a controversial law of the country)." [27d]
- 19.58 The USSD IRF 2007 report observed that “The Ahmadi community claimed that during the period covered by this report [September 2006 to September 2007], 28 Ahmadis faced criminal charges [compared to 26 during reporting period of USSD IRF 2006 [2a]] under religious laws or because of their faith: 4 under the blasphemy laws, 17 under Ahmadi-specific laws, and 7 under other laws but motivated by their Ahmadi faith.” Later in the USSD IRF 2007 report, it was recorded that at least 25 Ahmadis were arrested on blasphemy charges during its reporting period. [2f] (Section II)
- 19.59 The USSD IRF 2007 continued that:
- ”At the end of April 2006, four Ahmadis were in prison on blasphemy charges; one was in prison and two more were out on bail facing murder charges that the Ahmadiyya community claimed were falsely brought due to their religious beliefs. Seven more criminal cases, ranging from murder to destruction of property, were filed against prominent members of the Ahmadi community during the reporting period. The cases remained unprosecuted and the accused were allowed to post bail. Ahmadis continued to be arrested for preaching their faith. In July 2006 four Ahmadis were arrested in Sialkot District under the anti-Ahmadi laws for preaching. In August 2006 Mian Mohammed Yar was charged under the anti-Ahmadi laws on the charge of preaching. He was the president of the local Ahmadi community.” [2f] (Section II)

- 19.60 The website www.thepersecution.org, 'Persecution of the Ahmadiyya Muslim Community', representing the concerns of the Ahmadiyya community in Pakistan, accessed 9 July 2008, reported in their Year 2007 Summary that five Ahmadi's were murdered during 2007 [60a] (Ahmadi's murdered – only for their faith) The same source also stated that between 1984 and December 2007 there had been 87 Ahmadi's killed and 106 attempts of murder of an Ahmadi. [60a] (Annex II, Summary of other events However the USSD Report 2006 provided different statistics on the numbers of Ahmadi's killed, and observed that "The Ahmadi community claims that 171 of their members have been killed since 1988 and that the government made little effort to bring those responsible for these and other acts of sectarian violence to justice or to provide protection for the targets or their families." [2b] (Section 1)
- 19.61 In a report to the UN Committee Against Racial Discrimination, 'Pakistan: The Land of Religious Apartheid and Jackboot Justice', published August 2007, the Asian Centre for Human Rights (ACHR) stated "On 26 January 2007, police reportedly registered cases against five Ahmadi children... under Section 17 of the Maintenance of Public Order Ordinance in Chora Kalan police station in Khushab district for subscribing to Jamaat-e-Ahmadiya's monthly children's magazine *Tasheezul Azhan*." [82a] (p5: Persecution under blasphemy laws)
- 19.62 The USSD IRF 2007 also noted that Ahmadi's have been banned from holding public conferences, preaching or travelling to Saudi Arabia for the Haji and/or other religious pilgrimages. Additionally, Ahmadi publications were banned from public sale, but they published religious literature in large quantities for a limited circulation. (See sub-section above [Legislation discriminating against Ahmadi's](#)) Ahmadi's also faced restrictions on establishing places of worship and the authorities "continued to conduct surveillance on Ahmadi's and their institutions. Several Ahmadi mosques reportedly were closed; others reportedly were desecrated or had their construction stopped." All minorities claimed to have experienced discrimination in recruitment for government jobs, but the Ahmadi's particularly suffered and "contended that a 'glass ceiling' prevented them from being promoted to senior positions and that certain government departments refused to hire or retain qualified Ahmadi's." [2f] (Section II)
- 19.63 In addition, the USCIRF Report 2008 noted that:
- "In September 2007, the Ahmadi's in Rahim Yar Khan in the southern part of the Punjab province reported nine cases of serious harassment of members of the Ahmadi community; in one incident, clerics reportedly demanded the dismantling of the Ahmadi mosques in the area and passed an edict punishing Muslims for maintaining contacts with Ahmadi's. In some of these cases, police were reportedly intimidated against investigating violence or other action against Ahmadi's... As far as is known, there has never been an effort on the part of any Pakistani government to institute any reform of the anti-Ahmadi laws." [53] (p164)
- 19.64 The Persecution.org, accessed 9 July 2008, provided in their Year 2007 Summary a list of cases instituted against Ahmadi's from April 1984 to December 2007. The list included 405 cases of Ahmadi's booked for 'posing as Muslims', 628 booked for preaching and 236 charged under the

“Blasphemy Law’, i.e. 295-C”. The summary cited, in total, 3,533 cases of Ahmadis being booked or charged on religious grounds. [60a] (Annex II, Updated Summary of the Cases, April 1984 to Dec 2007))

19.65 In interviewing Ahmadi Community Representatives in Rabwah, members of the Parliamentary Human Rights Group (PHRG) Report, January 2007, identified that first information reports [charge/allegation reported to the police] brought against Ahmadis were registered by three main sources, “those lodged by members of Khatme Nabuwwat, those precipitated by police or government intervention, and those used to settle personal rivalries or enmity.” [51] (p12, Section 3, Potential Risk Factors Faced by Ahmadis in Rabwah)

19.66 Members of the PHRG were informed by the Ahmadi Community Representatives that they could not look to the police or the Courts for protection in Rabwah and were unable to give an example, to the PHRG mission, of the police having provided protection to an Ahmadi in Rabwah. The report further noted that:

“The mission were informed that the state provides no protection to senior Ahmadi figures or mosques at Rabwah, except for a symbolic presence at the central mosque at Friday prayers. The Representatives described how during the Khatme Nabuwwat conference in Rabwah the police line the streets and look on as Khatme Nabuwwat members march through the town, chanting ‘filthy, dirty slogans’ and vandalising Ahmadi property... The Ahmadi Community Representatives concluded that if someone fled to Rabwah fearing attack in their home area there would be no police protection available to them. Indeed, the police are seen by the community as actively protecting the Mullahs and their followers.” [51] (p21, Section 4.2, State protection)

19.67 The PHRG members consulted other sources and similar views were expressed:

“Faiz ur Rehman, President, Amnesty International Pakistan stated that nowhere, including Rabwah, is safe for Ahmadis as the police would refuse to give protection to an Ahmadi. When asked if the police might react differently in Rabwah to elsewhere in Pakistan, Mr Rehman explained that whilst it is not impossible, it has not happened. He explained that... even relatively senior and educated local police officers find that their hands are tied by their superiors when dealing with Ahmadi cases.” [51] (p21, Section 4.2, State protection)

19.68 The USSD IRF 2007 Report observed that:

“Ahmadi individuals and institutions long have been victims of religious violence, much of which organized religious extremists instigated. Ahmadi leaders charged that in previous years militant Sunni mullahs and their followers staged sometimes violent anti-Ahmadi marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence. In contrast with the previous report, there were no such reports during this reporting period.” [2f] (Section II)

- 19.69 On the subjects of internal relocation and Rabwah the UNHCR letter of 13 April 2005 commented:

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

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

[Return to contents](#)
[Go to list of sources](#)

Societal discrimination

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

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

19.72 The same source recorded that:

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

19.73 The PHRG report also recorded that the BHC stated:

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

19.74 The USSD IRF 2006 report observed that:

“Ahmadis suffered from societal harassment and discrimination. Even the rumor that someone might be an Ahmadi or had Ahmadi relatives could stifle opportunities for employment or promotion. Most Ahmadis were home-schooled or went to private, Ahmadi-run schools. Ahmadi students in public schools often were subject to abuse by their non-Ahmadi classmates. The

quality of teachers assigned to predominately Ahmadi schools by the Government reportedly was poor. In 2002, in response to a question from Islamic clerics, President Pervez Musharraf, who had been accused of favoring Ahmadis, declared that he believed Ahmadis to be 'non-Muslims.'”
[2a] (Section III)

[Return to contents](#)
[Go to list of sources](#)

CHRISTIANS

Demography

19.75 The USSD IRF 2006 report stated that:

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

Current Situation

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

- 19.76 The USSD IRF 2007 observed that police commonly torture and mistreat those in custody and although it was “... usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates.” The report continued during its reporting period, September 2006 to September 2007, at least 10 Christians were arrested on blasphemy charges, many of whom remained in prison at the end of the reporting period (September 2007). [2f] (Section II) The HRW 2007 report (for events in 2006) noted that “...religious minorities, including Christians and Hindus, also continue to face legal discrimination, though the government appears to have instructed the police to avoid registering blasphemy cases against them.” [13d] (Religious Freedom)
- 19.77 The USSD IRF 2007 report noted that forced conversions of religious minorities to Islam occurred at the hands of societal actors. Minority groups claimed that the government action to counter this was inadequate. The source reported at least three cases during its reporting period (and others for previous years) of Christians being forced to convert to Islam. [2f] (Section II: Status of Religious Freedom)

- 19.78 On the subject of societal violence the USCIRF Report 2008 stated that:
- “In October 2007, Islamic militants threatened to bomb a Christian family in northwestern Pakistan for refusing to convert to Islam. The month before, the family had received a similar threat. In August and September 2007, three Christian ministers were murdered by ‘fanatics’ in separate incidents. In June 2007, Christian families were forced to flee a village in Punjab province after Protestants were attacked by an armed mob of over 40 men with guns, axes, and sticks demanding that they halt their meeting. Seven persons were injured. Perpetrators of such attacks on minorities are seldom brought to justice.” [53] (p164)
- 19.79 The USSD IRF 2007 Report noted that “Violence against and harassment of Christians continued during the period covered by this report. Many Christians, descended from low-caste Hindu ancestors, faced discrimination more for ethnic and social reasons than religious.” [2f] (Section III)
- 19.80 The USSD Report 2007 recorded that “Shi’as, Christians, and Ahmadi were the targets of religious violence... The Ahmadi, Christian, Hindu, and Shi’a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.” [2h] (Section 2c)
- 19.81 The USSD IRF 2006 noted that:
- “While many Christians belonged to the poorest socioeconomic groups and faced discrimination, the reason might have more to do with ethnic and social factors than with religion. Many poor Christians remained in the profession of their low-caste Hindu ancestors, most of whom were ‘untouchables.’ Their position in society, although somewhat better than in the past, did not reflect major progress despite more than one hundred years of consistent missionary aid and development. Christian students reportedly were forced to eat at separate tables in public schools that are predominately Muslim.” [2a] (Section III: Societal Abuses and Discrimination)
- 19.82 The USSD IRF 2007 report added that “Discrimination in employment based on religion appeared widespread. Christians had difficulty finding jobs other than those involving menial labor, although Christian activists stated that the situation had improved somewhat in the private sector in recent years. During the reporting period, the majority of bonded laborers in agriculture and the brick kiln industry sectors were non-Muslim.” [2f] (Section II: Status of Religious Freedom)
- 19.83 The USSD IRF 2006 report noted that:
- ”Many... Christians reported discrimination in applying to government educational institutions due to their religious affiliation. Christians and Ahmadi reportedly have been denied access to medical schools...Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused.” [2a] (Section II)

[Return to contents](#)

[Go to list of sources](#)

SHI'A AND SUNNI MUSLIMS

Background

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

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

19.85 The Encyclopedia further stated that:

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

Demography

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

19.87 The same report added that:

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

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

Sectarian Violence

19.88 The USSD 2007 recorded that:

“Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of at least 529 persons during the year. This included the deaths of approximately 300 persons killed in Sunni-Shi’a sectarian disputes in Parachinar... The government had not conducted investigations into sectarian violence reported in 2005, including the 2005 bombing that killed 40 and wounded more than 100 at the shrine of Pir Syed Rakheel Shah, the May suicide bombing that killed 20 and wounded more than 100 at the Bari Imam shrine, or the May suicide bombing that killed five and injured 30 at a Shi’a mosque in Karachi. No one was arrested for these actions.” [2h] (Section 1a)

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

19.90 The same report added:

“Targeted assassinations of clergy remained a key tactic of several groups, including the banned sectarian organization Sipah-i-Sahaba (SSP), the terrorist organization Lashkar-i-Jhangvi (LJ), and the sectarian organizations Sunni Tehrike (ST) and Sipah-i-Mohammad (SMP). SSP and LJ targeted both Shi’a and Barelvis, whereas ST and SMP targeted Deobandis.” The same report also stated that: “Relations between the country’s religious communities remained tense. Violence against religious minorities and between Muslim sects continued. Most believed that a small minority were responsible for attacks; however, discriminatory legislation and the teaching of religious intolerance in public schools created a permissive environment for attacks. Police at times refused to prevent violence and harassment or refused to charge persons who commit such offenses.” [2f] (Section III)

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

“In April 2007 more than 100 Shi’a and Sunnis died and many more were injured in sectarian violence which lasted for 2 weeks. The fighting began in

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

- 19.92 The website of the South Asian Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan for 2007 (based on news reports) stating that there were 341 incidents, 441 deaths and 630 people injured. As of March 2008, SATP recorded 28 further sectarian incidents, 40 deaths and 82 people injured. [61a] (Sectarian Violence in Pakistan 2007 and 2008)

[Return to contents](#)
[Go to list of sources](#)

20. ETHNIC GROUPS

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

“The key ethnic groups in Pakistan are Punjabis (44.15% of the population) followed by Pakhtuns (15.42%), Sindhis (14.1%), Seraikis (10.53%), Muhajirs (7.57%) and Balochis (3.57%). The others smaller ethnic groups include Turwalis, Kafiristanis, Burusho, Hindko, Brahui, Kashmiris, Khowar, and Shina, and the Kalash etc. In addition, Pakistan had accommodated largest number of Afghan refugees comprising of the Pakhtuns, Tajiks, Uzbeks, Turkmen, Hazaras, etc and many of these refugees permanently settled in the country. A large number of Bengalis, Arabs, Burmese, and African Muslim refugees have also permanently settled in Karachi, whilst hundreds of thousands of Iranian migrants are scattered throughout the country. [82a] (p13)

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

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

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

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

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

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

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

MOHAJIRS

Background

- 20.05 The Encarta Online Encyclopedia 2005 noted that:

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

Formation of MQM

- 20.06 Encarta also recorded that:

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

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

20.08 The South Asian Terrorism Portal (SATP), ‘Muttahida Quomi Mahaz, Terrorist Group of Pakistan’ undated, accessed 17 March 2008, noted:

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

[Return to contents](#)
[Go to list of sources](#)

Current situation

20.09 The USSD 2007 noted that:

“On May 12, unidentified gunmen in Karachi shot and killed more than 40 political activists from multiple political parties during demonstrations planned to coincide with the arrival of the then-suspended chief justice of Pakistan. Many observers blamed the Muttahida Qaumi Movement (MQM) party – a member of the ruling coalition that controlled the Sindh provincial government – for the violence, since there were multiple reports that the government had ordered police not to deploy to demonstration areas. MQM officials denied responsibility for the violence, claiming that 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial, which was ongoing at year’s end.

“In Karachi, MQM sources accused Jamaat-e-Islami (JI) activists of killing seven MQM active members during the year in ongoing violence between the two parties over political control of the province; JI accused MQM of killing five JI activists. Human rights observers reported that the total politically motivated death toll was 132 by year’s end.” [2h] (**Section 1a**)

20.10 The USSD 2007 Report also recorded that:

“On some university campuses in Karachi, well-armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (affiliated with the JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated

cheating on examinations, interfered with the hiring of staff, influenced admissions to the universities, and sometimes also influenced the use of institutional funds. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect." [2h] (Section 2a)

[Return to contents](#)
[Go to list of sources](#)

21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

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

"Section 377 Penal Code criminalizes 'carnal knowledge of any man against the order of nature', with a penalty of 2 years up to life imprisonment and a possible corporal punishment of a 100 lashes. 'Islamic law was re-introduced in 1990.' 'Pakistani civil law punishes those who have gay sex with two years to life in prison, while Islamic law, which also can be enforced legally, calls for up to 100 lashes or death by stoning.' [While it seems unlikely that Section 377 would apply to lesbians, it seems likely that Islamic law would] 'Arrests and trials do not occur ... As elsewhere with unenforced sodomy prescriptions, the existence of the law is a threat - a threat conducive to blackmail. While the law is largely irrelevant to life in Pakistan, those acting in its name are not...Police recurrently take money and/or sex from those they know to be involved in same-sex sex (commercial or not). (Chapter on Pakistan by Stephen O Murray and Badruddin Khan in 'Sociolegal Control of Homosexuality')." [50]

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

"Homosexual acts are illegal in Pakistan. Under Section 377 of the country's penal code, homosexuality is not explicitly mentioned, but 'carnal intercourse against the order of nature' is punishable by a fine and/or imprisonment for a period of two years to life. Under the country's Sharia law, introduced in 1990, homosexual acts are punishable by corporal punishment (whipping), imprisonment, or death. Likewise, gay marriage is illegal in Pakistan. However, in October 2005, a 'marriage' was said to have taken place between two men in the Khyber region. A tribal council reportedly told the couple to leave the area or face death for 'breaking religious and tribal values'. In May 2007, a married couple was imprisoned after the Lahore high court decided that the husband, who had undergone sex-change surgery, was still a woman. The couple had originally sought the court's protection against members of the bride's family who were harassing them; however, the court found the couple guilty of perjury, ruling that they had lied about the husband's gender and that their same-sex marriage was 'un-Islamic'. One month later, following an appeal to Pakistan's Supreme Court, the couple was released on bail..." [12c]

21.03 Regarding the above appeal to the Supreme Court, the International Gay and Lesbian Human Rights Commission (IGLHRC) noted in their report 'Human Rights and Transgender People in Pakistan', published February 2008 (IGLHRC Report 2008), that "a landmark case involving transgender rights is currently unfolding in Pakistan. Nighat Saeed Khan, director of ASR Resource Centre in Lahore, Pakistan notes that, 'Transgender individuals in Pakistan have typically faced a myriad of dangers from police, family, community, and religious authorities, and had to leave the country.' The current case challenges this status quo. It marks an attempt by a female-to-male transgender man and his wife to have their marriage recognized, an outcome that is predicated on the court's recognition of the right to transgender identity... the case is precedent setting... because the issue of gender identity has been sent to the Supreme Court." However consideration of the case by

the courts has been delayed by the disruption to the judiciary as result of the State of the Emergency in November 2007 and the subsequent political turmoil in early 2008. [49]

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

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

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

See also Section Transgender/Transexuals below

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

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

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

[Return to contents](#)
[Go to list of sources](#)

GOVERNMENT AND SOCIETAL ATTITUDES

- 21.06 The USSD Report 2007 recorded that “Homosexual intercourse is a criminal offense; however, the government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation...” [2h] (Section 5)

21.07 The IGLHRC Report 2008 noted that:

“There is no known grassroots activism among lesbians, gays, bisexuals, transsexuals and transgender (zenana) communities in Pakistan. This lack of activism, the silences around sexualit(ies), and deeply closeted status of most gays and lesbians in Pakistan (many of whom live double lives to avoid revealing their sexual orientation) makes it difficult to accurately assess their living conditions and human rights situation. Anecdotal information from Pakistani gay people who have left the country describes fear, secrecy, isolation, suicides, forced marriage, family and community pressure to conform to heterosexual norms.” [49]

21.08 A CIRB report dated 29 November 2007 noted that “Information on the number of prosecutions against homosexuals in Pakistan and their outcomes could not be found among the sources consulted by the Research Directorate. However, Country Reports on Human Rights Practices for 2006 indicates that the government ‘rarely’ prosecutes such cases. Nevertheless, in May 2005, two gay men were publicly lashed in Pakistan’s north western Khyber region after they were caught having sex.” [12c]

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

“Although homosexuality is thought to be ‘relatively’ common in Pakistan, it is a ‘taboo’ subject that is not publicly discussed. It is reportedly rare for homosexuals to be open about their sexuality. According to a 10 May 2005 article published by the United Nations (UN) Integrated Regional Information Networks (IRIN), homosexuals in Pakistan ‘live in constant fear of being ‘outed’ in [the country’s] staunchly conservative society which is largely ignorant and intolerant of sexual minorities.’ Cited in the same article, a representative of a local non-governmental organization (NGO) stated that if an individual openly campaigned for gay rights in the country, he or she could end up being killed by religious followers. Nevertheless, several sources consulted by the Research Directorate indicate that homosexuality may, in general, be ‘silently accepted’ in Pakistan. Assaults on homosexuals are said to be ‘rare’. In the country’s North West Frontier Province (NWFP), it is apparently well known that ethnic Pashtun men take young boys as lovers which, according to IRIN, is ‘a practice now deeply embedded in the local culture’. In March 2006, a group of gay men wearing dresses participated in a festival in Lahore. The Internet is reportedly contributing to a sense of growing ‘solidarity’ amongst homosexuals in Pakistan. Online chat rooms are said to provide a ‘safe and anonymous forum for middle- and upper-class gay men’.” [12c]

21.10 The same report continued:

“According to a 5 October 2005 British Broadcasting Corporation (BBC) article, ‘increasingly,’ same-sex couples are living together in Pakistan’s larger cities, including Karachi and Islamabad. However, a 2006 *Guardian* article states that it is ‘rare’ for homosexual couples to live together and that many gay men end up marrying women to ‘avoid scandalising their families’. Another article from IRIN notes that, while the atmosphere in larger cities such as Islamabad, Karachi and Lahore is ‘mildly’ more tolerant, in rural areas, conservatism is ‘extreme’ and homosexuals remain ‘closeted’. Two sources

indicate that cultural practices in Pakistan, which permit public displays of affection between members of the same gender, make it possible for gay men to socialize without attracting attention.” [12c]

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

[Return to contents](#)
[Go to list of sources](#)

TRANSGENDER/TRANSEXUALITY

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

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

- 21.13 The same source noted:

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

“There's no recorded history of such cases being tried in Sharia courts. Progressive and moderate interpretations of Islamic thought subscribe to this interpretation: 'Religious law only makes exceptions when a doctor prescribes the operation for a grown adult due to a severe and extremely dangerous health risk for the patient. Under religious law there should be absolutely no alternative for the patient and once the patient undergoes the operation, then s/he should be treated according to the new gender.' This is a quote from an Islamic scholar of the progressive school. His name is Khursheed Nadeem and he is the Country Director of an NGO called ‘Organization for Research and Education’ in Islamabad. Classic and conventional Islamic interpretation prescribes to lashings and stonings - a practice that was prescribed for adultery in early Islam... stonings and lashings are carried out at the highest

degree of sexual crime. So far a legal court in Pakistan has not ordered this punishment for any such criminal (...there are only a handful cases tried in courts). But when these cases are caught in rural areas, under feudal and tribal laws and customs, eunuchs and transsexuals are lashed in public. The reported incidence of this is few and far between because the transsexuals flee to areas where their communities are relatively more accepted.” [11f] (Paragraph 2) The letter further noted that if a transsexual committed a crime the treatment given out by law would be the same as other offenders. [11f] (Paragraph 9)

21.14 On obtaining ID documents, the FCO letter stated:

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

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

21.16 An update dated 14 August 2007 on the website of Women Living under Muslim Laws, on the court case of a married couple where the husband had undergone partial sex-realignment treatment (see also paragraph 21.02) observed that: “Legally she [Shamial Raj, the husband] can live where she likes and two 'women' can live together. They can also live together as they are but need to be very quiet about this. If they are not married and if they are woman and man then society could have a problem.” [62]

21.17 The same source continued that:

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

[Return to contents](#)
[Go to list of sources](#)

22. DISABILITY

22.01 The USSD Report 2007 stated that:

“The law does not discriminate against persons with disabilities; there are employment quotas at both federal and provincial levels. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases these individuals were forced into begging, and organized criminals took much of the proceeds. The law requires public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities.

“Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as a degree of subsistence funding. The Council also operated the ‘Pakistan Society for the Rehabilitation of the Disabled’ which provided rehabilitation, vocational training and some medical support to the disabled. There are no restrictions on the rights of the disabled to vote or participate in civil affairs.” [2h] (Section 5)

[Return to contents](#)
[Go to list of sources](#)

23. WOMEN

OVERVIEW

23.01 Pakistan is a signatory to the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW). [20f] (UN, 11 June 2007; p1)

23.02 The concluding comments of 38th Session of the Committee on the Elimination of Discrimination against Women dated 11 June 2007, noted a number of positive developments in Pakistan:

“...recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the 2002 amendment to articles 51 and 59 of the Constitution under the Legal Framework Order to increase women’s political participation in the National Assembly and the Senate; the 2000 amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses; the adoption, in 2002, of the Prevention and Control of Human Trafficking Ordinance; the adoption, in 2004, of the Criminal Law Amendment Act to facilitate prosecution of “honour killing”; and the adoption, in 2006, of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances.” [20f] (p2)

23.03 The Committee also commended the Pakistan Government on the adoption of a National Plan of Action (1998), National Policy for Advancement and Empowerment of Women (2002), and the Gender Reform Action Plan (2005). It also thought positive the reorganisation of the Ministry of Women Development and the creation of a National Commission on the Status of

Women and welcomed the efforts taken to support female victims of violence. [20f] (p2)

- 23.04 However the Committee raised a number concerns about Pakistan's implementation of its obligations under the CEDAW, including: a lack of a definition of discrimination in the constitution; that the CEDAW was not fully implemented into domestic law; insufficient measures were in place to ensure implementation of the new laws, lack of availability and access to redress mechanisms; lack of resources for the bodies promoting women's rights; the prevalence of honour related crimes and the Qisa and Diyat law; lack of accountability for crimes of violence against women within the criminal justice system; the continued use of jirgas (tribal forum to resolve disputes) which made decisions to "perpetrate violence against women" despite a high court ruling banning such meetings; Pakistan remained a patriarchal society with deep-rooted traditional and cultural stereotypes regarding women in the family, workplace and in society generally; trafficking of women; under representation of women in government and the court system (as judges); socio-economic problems such as high illiteracy rates and lack of access to healthcare; inadequate registration of births and marriages; and lack of equality in the dissolution of marriage. [20f] (p3-8)

[Return to contents](#)
[Go to list of sources](#)

LEGAL RIGHTS

- 23.05 The Pakistan constitution states that "All citizens are equal before [the] law and are entitled to equal protection of law...There shall be no discrimination on the basis of sex alone...Nothing in this Article shall prevent the State from making any special provision for the protection of women and children." [14a] (Section 25 of Chapter I Part II of Pakistan's Constitution; p5)
- 23.06 The USSD Report 2007 observed that "The law prohibits discrimination on the basis of sex; however, in practice this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system." [2h] (Section 5)

Women's Protection Act

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

legal system, but they were now housed in various Daarul Amaans (state operated women's shelters). Many were unable to return to their homes because of social ostracism." [2f] (Section II)

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

23.09 On the subject of introduction of the WPA, the USSD 2007 Report noted that:

"The bill reversed the most negative aspects of the Hudood Ordinances, which contained provisions for the punishment for rape and adultery... The new law brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. While sex outside a marriage remained a crime, police lost the authority to investigate such claims under the new law, implementation of which was a problem because of the lack of training of police and lack of awareness of the bill's technicalities. After the passage of the law, police were not allowed to arrest or hold a woman overnight at a police station without the permission of a civil court judge ...After the passage of the Women's Protection Bill, all cases against women were cited under it and not the Hudood Ordinances." [2h] (Section 5)

23.10 The Human Rights Watch World Report 2007, released in January 2007, on Pakistan noted that:

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

23.11 The AHRC report, 'The state of human rights in eleven Asian nations – Pakistan', dated December 2007, noted that:

"Though women throughout Pakistan have welcomed the new laws seeking to protect women, the general condition of the majority of women has not

changed. Regarding cases of sexual abuse and rape, law enforcement authorities still seem to follow antiquated methods. Courts still apply old methods for registering cases of abuse and rape; women were still asked to provide witnesses for the alleged sexual offence and continue to be booked for adultery. The number of cases of honour killings, gang rape, abduction and killings of women with the connivance of authorities has increased; ministers and powerful people were involved in violence against women.” [52b]

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

[Return to contents](#)
[Go to list of sources](#)

Marriage Laws

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

(See also Section 23 on [Social and economic rights](#) and Section 24: [Child rights – civil rights and freedoms](#); and [Forced marriage](#))

[Return to contents](#)
[Go to list of sources](#)

POLITICAL RIGHTS

- 23.13 The USSD Report 2007 noted that:

“There were 73 women in the 342 seat National Assembly, two women in the federal cabinet, and none on the Supreme Court. Women had 60 reserved seats in the National Assembly. Women also had 128 reserved seats of the 758 seats in provincial assemblies and one-third of the seats in local councils. Provincial chief ministers named women to serve in their cabinets. In some districts social and religious conservatives prevented women from becoming candidates. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious, and tribal leaders. According to press reports, in Upper Dir and Battagram districts, NWFP, local community and religious leaders prevented women from voting or holding official office during the 2005 local elections. The PML-Q and PPP prohibited their local leaders from entering agreements that would prevent women from standing for or voting in the local elections; however, there were reports of a consensus agreement among political leaders in Bannu, NWFP, that women would not be allowed to vote during a March 29 by-election.” [2h] (Section 3)

- 23.14 On 19 March 2008, BBC News reported on the parliamentary election of Pakistan’s first female speaker. Fahmida Mirza, a veteran politician and ally of Asif Ali Zardari, received 249 votes from the 342-seat Lower House. The

speaker oversees the workings of parliament, deciding which debates and motions may be allowed. Ms Mirza has also been elected to parliament three times from her constituency in the province of Sindh. [35n]

[Return to contents](#)
[Go to list of sources](#)

SOCIAL AND ECONOMIC RIGHTS

23.15 The USSD IRF 2007 Report noted that:

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

23.16 Also on the subject of marriage, the USSD Report 2007 stated that:

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

23.17 The same source also recorded that:

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

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

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

23.19 With regard to inheritance laws, the USSD 2007 observed that the law “...discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement.” [2h] (Section 5)

23.20 The same source stated:

“The World Bank released a study in February indicating that approximately one third of marriages in rural areas were ‘watta satta,’ or exchange marriages in which men marry each other's sisters. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, ‘women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes.’ However, human rights groups such as HRCP criticized the practice, noting ‘these marriages treat women as a commodity, and tension within one household also affects the other. Sometimes women simply suffer in silence to avoid their brother's marriage being affected’.” [2h] (Section 5)

23.21 The USSD 2007 further noted that “In rural Sindh landowning families continued the practice of ‘Koranic marriages’ in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male over 14 years of age. These women were expected to stay in the home and not maintain contact with anyone outside of their family.” [2h] (Section 5)

23.22 The Freedom House report, Freedom in the World 2008, on Pakistan also noted that “The tribal practice of vani, in which women are offered in marriage to settle blood feuds between rival families, continues to take place in certain parts of rural Pakistan, although there is growing opposition to the practice by the women themselves as well as social activists and religious scholars. It was declared illegal by the Supreme Court in 2004, and in a landmark December 2005 judgment, the court ordered local police to offer women protection.” [19a]

23.23 The USSD 2007 observed with regard women's rights at work that:

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

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

[Return to contents](#)
[Go to list of sources](#)

Socio-economic indicators

- 23.24 The World Health Organisation (WHO) country profile of Pakistan listed a number of socio-economic statistics for men and women. As published on its website, accessed on 18 January 2008, based on figures from 2005, girls/women are less likely to be educated than boys/men (77% of girls were in primary school, 40% in secondary school, compared to 94% and 51% of boys respectively) and have lower literacy rates than men (40% of women over 15 years are literate; compared to 65% of men). [5a]
- 23.25 The WHO country profile of Pakistan also provided some basic healthcare data that directly relates to women: antenatal care was provided to 42% of the population; while only 19% of births were attended by “skilled health personnel”. [5a] The UN Population Fund country profile for Pakistan also provides socio-economic statistics on women. It noted that while the rate of “labor force participation” for men aged 15 to 64 was 84.6, it was only 15.4 for women of the same age group. [66]

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

Single women

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

“It is very hard for a single woman to live alone both in urban and rural areas. ... It depends on age, class, education, and urban or rural setting. Young unmarried/divorced women in all classes in urban areas find it difficult to live alone. They cannot get apartments to be rented. If they own a property, they can more conveniently opt to live alone but again there is social pressure around them and they have to face all kinds of gossips and scandals. In such case, age is their biggest problem. Older women can live alone but still they feel insecure socially and physically. We do have examples now in the big cities where highly educated and economically independent women opt to live alone but their percentage is very low. In the rural areas they mostly live with joint family even if they do not get along with them... [12j]

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

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

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

23.28 The same source noted:

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

"The response to your question depends upon the circumstances, location, socio-economic, educational and professional status of the single female. Generally, it would be accurate to say that single women are rarely able to live on their own without a male member of the family in Pakistan. Reasons for this are numerous but they primarily stem from custom and culture that requires a woman to have a male family member to be in a protective and supervisory role. Society also frowns upon women living on their own and would not help the reputation of the single woman. You may find one in a million single woman who has the means and can live in a big city with helpers, etc. to assist and protect her. This of course is a minority and an exception rather than the rule." [12]

[Return to contents](#)
[Go to list of sources](#)

VIOLENCE AGAINST WOMEN

23.29 The USSD 2007 recorded that:

“Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Married women were at times abused and harassed by their in-laws. Dowry and family related disputes often resulted in death or disfigurement through burning or acid. According to an HRCP report in August, 82 percent of wives in rural Punjab feared violence from their husbands over minor matters and 52 percent of wives in most developed urban areas admitted to being beaten by their husbands. By November there were 34 reported cases of ‘stove deaths’ – incidents in which women are doused in kerosene and lit on fire. Many of the cases related to disputes with in-laws. According to the Progressive Women’s Association, it had become increasingly difficult to compile statistics on acid burn victims, as many hospitals no longer accepted them.

“The National Commission on the Status of Women advocated on behalf of specific domestic violence legislation. In the absence of a specific domestic violence law, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Abused women 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 reluctant to report abuse for fear of dishonoring the family.” [2h] (Section 5)

23.30 The Freedom House Freedom in the World 2008 report on Pakistan observed that:

“A combination of traditional norms, discriminatory laws, and weak law enforcement continues to contribute to a high incidence of rape, domestic violence, acid attacks, and other forms of abuse against women; according to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of rape or other sexual crimes are often pressured by police not to press charges, and are sometimes pressured by their families to commit suicide. Gang rapes sanctioned by village councils as a form of punishment for crimes committed by the targeted woman’s relatives continue to be reported, despite the fact that harsh sentences have been handed down against the perpetrators in some cases.” [19a]

23.31 On 1 July 2008 the *Daily Times* reported on a draft Domestic Violence (Protection and Prevention) bill that was discussed amongst human rights activists, female parliamentarians and lawyers. The article noted that “The bill is being drafted to propose legal provisions that could curb domestic violence against women. The draft of the bill will be sent to the National Assembly, which will decide whether it should be made a law. The lawyers, civil society activists and the parliamentarians said that the trend of violence against women should be strongly discouraged and the bill was an attempt in this regard.” [55m]

23.32 The Asian Human Rights Commission (AHRC) stated in their report: ‘The state of human rights in eleven Asian nations in 2007 – Pakistan’, dated

December 2007, that “According to Lawyers for Human Rights and Legal Aid (LHRLA) a total of 2226 cases of violence against women have been reported from across the country from January to December 2007. Of these 1739 were acts of physical abuse while 527 included sexual abuse. Of the reported sexual abuse cases...295 were rape cases with 160 involving gang rape. In 72 cases, the victims have been brutally murdered after being violated.” [52b]

- 23.33 The Human Rights Commission of Pakistan (HRCP) noted in their State of Human Rights in 2007 Report that:

“Women also suffered cruel cases of domestic violence, kidnapping, sexual harassment, acid attacks and burnings. Many incidents of domestic violence and other attacks included amputation of body parts or limbs, burning by fire, loss of use of eyes, nose, mouth and ears due to acid attacks, as well as horrific incidents of rape and gang-rape. Internal and international trafficking of women also continued in full force. The number of suicides also remained high.” [27a] (Women)

- 23.34 An article by IRIN, dated 11 March 2008, stated: “Domestic violence is endemic in Pakistan.” The report noted that eight years since the publication of HRW’s 1999 report on domestic violence in Pakistan, there was little evidence that any major changes had been made in the country. The article quoted leading lawyer and rights activist as saying “Domestic violence is very widespread. It is tied in to the lack of empowerment of women in our society.” [41a]

- 23.35 The same source noted:

“At times, the violence inflicted on women takes on truly horrendous forms. The Islamabad-based Progressive Women's Association (PWA), headed by Shahnaz Bukhari, believes up to 4,000 women are burnt each year, almost always by husbands or in-laws, often as ‘punishment’ for minor ‘offences’ or for failure to bring in a sufficient dowry. The PWA said it had collected details of nearly 8,000 such victims from March 1994 to March 2007, from three hospitals in the Rawalpindi-Islamabad area alone... A lack of safe shelters for women victims of domestic violence, limited awareness of the issue and the absence of specific legislation all compound the problem. The result is that thousands of women are victims of severe violence within their homes, with most cases going unreported and the culprits consequently escaping any punishment for their crime.” [41a]

- 23.36 The Journal of Pakistan Medical Association (JPMA) noted in a report dated June 2006 that, following interviews with 300 women admitted to hospital for childbirth, “Forty four percent (44%) of women reported lifetime marital physical abuse, 23% during the index pregnancy. Among the 132 women who were ever physically abused, all reported verbal abuse and 36% sexual coercion... Slapping, hitting, pushing, grabbing, shoving and pulling hair were the most commonyears [sic].” [40]

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

[Return to contents](#)
[Go to list of sources](#)

Honour killings

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

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

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

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

23.39 The CIRB RIR summarised the motives for honour killings:

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

23.40 The CIRB continued that:

"Honour killings are reportedly most prevalent in rural areas of Pakistan. In 2004, more than half of all reported honour killings occurred in southern Sindh province, but the practice was also believed to be widespread in Punjab, Balochistan, NWFP and the FATA. However, the HRCP noted an increase in

these types of murders in urban areas such as Lahore in 2005. Pakistan's National Commission on the Status of Women (NCSW) similarly indicates that honour killings take place in urban areas and that some of these cases are committed by the urban elite.” [12e]

23.41 The Amnesty International Report 2008 for Pakistan stated “[that] The NGO Aurat Foundation said that in the first ten months of 2007 in Sindh alone, 183 women and 104 men were murdered for supposedly harming family ‘honour’.” [4a] (Violence against women) The USSD Report 2007 noted “Honor killings continued to be a problem, with women as the principal victims. During the year local human rights organizations reported between 1,200 and 1,500 cases. Most took place in Sindh and Punjab. Many more likely went unreported... [2h] (Section 1a) Punishments for honor crimes included stripping women naked, mutilations, and rape.” [2h] (Section 1c)

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

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

23.43 The USSD Report 2007 noted that:

“Honor killings and mutilations occurred during the year. Women often were the victims at the hands of their husbands or male relatives. No accurate statistics existed on the number of honor crimes committed during the year; however, according to SHARP [Society for Human Rights and Prisoners’ Aid], 434 of the 613 recorded honor crimes by mid-year were against women. In 2006 official statistics stated an average of 1,000 persons were murdered each year in the name of honor.” [2h] (Section 5)

23.44 The USSD Report 2007 also noted:

“Human rights groups believed that such incidents were common in Sindh, in Punjab, and among tribes in Balochistan, NWFP, and FATA. In 2005 President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and criminalizes the practice of giving women in marriage as restitution for crimes. However, human rights groups criticized the legislation because it allows for the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges. Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.” [2h] (Section 5)

23.45 Human Rights Watch noted in their submission to the Human Rights Council, 5 May 2008, “According to Pakistan’s Interior Ministry, there have been more than 4,100 ‘honor killings’ since 2001” and also noted “[that] provisions of the Qisas and Diyat law which allow the next of kin to ‘forgive’ the murderer in

exchange for monetary compensation remain in force, and continue to be used by offenders to escape punishment in cases of so-called honor killings. Such laws which in effect allow men to pay to kill women act as no deterrent to those who would engage in so-called honor killings.” [13g]

- 23.46 In a Response to Information Request regarding single women, dated 4 December 2007, the CIRB noted:

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

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

[Return to contents](#)
[Go to list of sources](#)

Rape

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

- 23.47 The USSD Report 2007 stated that “There were no reliable statistics on rape, but the AHRC believed that 3,000 rapes occurred during the year. The NGO Women Against Rape estimated that the 217 rape cases reported in the media represented less than 5 percent of actual incidents that occurred in Karachi.” [2h] (Section 5)
- 23.48 The USSD Report 2007 further noted:
- “Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It was estimated that rape victims reported less than one third of rape cases to the police... According to local sources, no woman has been charged of adultery or fornication if she appeared before a court under these charges after the passage of the Women Protection Bill. Families and tribes at times killed rape victims or encouraged them to commit suicide.” [2h] (Section 5)
- 23.49 The report also recorded “In an attempt to bypass difficulties rape victims faced at police stations, a provision in the Women's Protection Bill called for a sessions judge to hear all rape complaints. Women's rights NGOs complained, however, that the new law introduced barriers to rape victims who did not have

the money or access to the courts and reported that some police stations no longer would record rape complaints because of the new law.” [2h] (Section 5)

23.50 The same source continued that:

“Police were at times implicated in rape cases. Police often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of rape evidence. Women accused of adultery or fornication were forced to submit to medical exams against their will, although the law requires their consent.” [2h] (Section 5)

23.51 In its analysis of trends in human rights violations in the years 2005 and 2006 the Human Rights Commission of Pakistan (HRCP) observed:

“Rape continues to be one of the most taboo human rights violations and is therefore the least reported both in the news and to the HRCP. The statistics do not therefore reflect as categorically, the number of rapes, attempted rapes and sexual harassment cases that occur, which is considerably higher. 2006 saw a 129% increase in the number of rape and gang rape cases reported. In 2006 the number of cases of rape involving minors alone as the victims had more than doubled since 2005 from 111 to 293. In 2006, married women continued to be the most targeted social group in the rape statistics. However, the percentage of women raped that were married in relation to those that were ‘unmarried, widowed or divorced’ was reduced this year from 81% in 2005 to 60% in 2006. What is perhaps most alarming in these statistics, is that the accused in the rape cases are predominantly influential people in the community or landlords with the highest number of rapists in both 2005 and 2006, residents of the victim’s community.” [12e]

[Return to contents](#)
[Go to list of sources](#)

ASSISTANCE AVAILABLE TO WOMEN

Government Assistance

23.52 The USSD Report 2007 noted that in 2005 the authorities created women’s police stations “...with all female staff in response to complaints of custodial abuse of women, including rape. The government’s National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations...” [2h] (Section 1c)

23.53 With regard to the availability of centres to assist women, the USSD Report 2007 commented that “The government operated Crisis Centers for Women in Distress, which referred abused women to NGOs for assistance. There were 276 district-run emergency centers for women in distress providing shelter, access to medical treatment, limited legal representation, and some vocational training. In some cases, women were abused in the shelters. There were three NGO-run shelters, one each in Islamabad, Lahore and Karachi.” [2h] (Section 5)

23.54 On the subject of women's crisis centres, the website of the Ministry of Women Development, last updated in July 2007, stated that 10 such centres were in place in Islamabad, Lahore, Sahiwal, Vehari, Rawalpindi, Mianwali, Peshawar, Kohat, Quetta and Karachi. In addition 10 crisis centers are to be established in Faisalabad, Sialkot, Bahawalpur, Hyderabad, Mirpur, Sibi, Abbottabad, Multan, Mirwala and Nawabshah. The centres were being run with local NGOs. The site also provided a list of services provided by the centres:

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

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

23.56 The same article observed: "Considering that Pakistan is a country where violence against women is all pervasive, one should find a flurry of activity at the women's centres -- of the phone ringing incessantly, of psychiatrists attending to battered women and of lawyers preparing briefs. Instead the centres are deserted." In commenting on the centre in Karachi the article continued, quoting a lawyer working for a local NGO, that the lack of women attending the centre was down to poor commitment, co-ordination and a lack of guidelines. Additionally the centre lacked resources to provide basic services, like food and toiletries. The article also observed that of the four centres in the province of Sindh, the Karachi centre was the only one functioning. [7]

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

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

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

23.59 The USSD Report 2006 observed that:

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

[Return to contents](#)
[Go to list of sources](#)

Non-Governmental Organisations (NGOs) assistance

23.60 The USSD Report 2007 stated: “Numerous women’s rights NGOs such as the Progressive Women’s Association, Struggle for Change, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence, the Hudood Ordinance, and honor crimes.” [2h] (Section 5)

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

“Hotline services for the victims of abuse; Counselling and psychotherapy of victims by trained clinical psychologists; Documentation of cases of abuse; Databases of all the service providers for children and women to be used for referral services; Legal aid; Women’s desk - a separate desk will be set up to deal with the problems of women. It will be staffed by women and provide legal, psychological and rehabilitative services to survivors of different traumas and abuses; Missing children databases for the benefit of families; LHRLA plans to provide counselling and protection service centres for juvenile prisoners.” [68]

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

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

[Return to contents](#)
[Go to list of sources](#)

24. CHILDREN

OVERVIEW

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

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

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

“One in ten children does not survive their fifth birthday. Thirty per cent of children are chronically malnourished and lack safe water and household sanitation, especially in rural areas. Pakistan spends less than 2.5 per cent of its GDP on the education sector. Just over half of the 19 million children of primary school going age are enrolled in primary education. Compared to 76 per cent of boys, about 56 per cent (net) of girls are enrolled in primary school. Just over a third of Pakistani women are literate. An estimated 3.6 million children under the age of 14 work, mostly in exploitative and hazardous labour” [72]

24.03 However the UNICEF profile noted some positive achievements:

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

(See also 24.47 below: [Health and welfare](#))

24.04 The USSD Report 2007 noted:

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

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

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

Basic legal information

- 24.06 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated “...(a) ‘adult’ means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty.” [14b] (p1) The voting age in Pakistan is 18 years old (Commonwealth Parliamentary Association, last updated 27 March 2008) [70] The legal age of marriage for men is 18 years old, and 16 years old for women. (USSD Report 2007) [2h] (Section 5) However the Society for the Protection of the Rights of the Child (SPARC) report the State of Pakistan’s Children 2006 (SPARC Report 2006) observed that under Muslim Law “any person who has attained puberty is entitled to act in the matter of marriage on attaining the age of 15 years.” [71a] (p202) Recruitment for military service and regular commission in the Pakistan Army may start at 17 years old for soldiers and officers. (Coalition to Stop Child Soldiers, Child Soldiers Global Report 2008) [16] The CIA World Factbook, last updated 19 June 2008, stated that recruitment for military service started at 16 years old although soldiers could not be sent into combat until they were 18 years of age. [34] (Military) It is illegal to employ children under the age of 14 years in factories, mines and other hazardous occupations. (USSD Report 2007) [2h] (Section 5) The criminal age of responsibility is 7 years old. (SPARC Report 2006) [71a] (pxvii)

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

[Return to contents](#)
[Go to list of sources](#)

CHILD RIGHTS – CIVIL RIGHTS AND FREEDOMS

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

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

[Return to contents](#)
[Go to list of sources](#)

Domestic legislation

24.08 On marriage law, the USSD Report 2007 observed that:

“Despite laws barring child marriages, there was evidence that many took place. In March [2007] the Family Planning Association of Pakistan estimated that 32 percent of marriages in the country are child marriages. They cited poverty, tradition and the low status of women as reasons for the practice. At a July human rights seminar in Islamabad, participants noted that a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,500 –\$3,500) in parts of Sindh and NWFP.” [2h] (Section 5)

(See also Section 24.26: [Forced marriage](#))

24.09 Regarding child labour, the USSD 2007 Report stated:

“The government adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax, and child labor was a serious problem. According to HRCP there were approximately 10 million child laborers. The media reported that 70 percent of non-agricultural child labor took place in very small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities that employ fewer than 10 persons. Child labor in agriculture and domestic work was common.

“The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and

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

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

24.10 The USSD Report 2007 continued:

“The law prohibits forced or bonded labor, including by children; however, the government did not enforce these prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act [BLAA] outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to five years in prison and up to \$825 (50,000 rupees) in fines.” [2h] (Section 6c)

(See also [Forced labour](#) and Section 32: [Employment Rights](#))

[Return to contents](#)
[Go to list of sources](#)

Judicial and penal rights

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

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

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

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

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

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

"The most significant development recently is the adoption of the Protection of Women (Criminal Laws Amendment) Act, 2006. The Act makes several changes in the law. The offence of rape (zina-bil-jabr) and the punishment for it have been deleted from the zina ordinance and restored to the PPC as sections 375 and 376. The offence has been defined as an act forcibly committed by a man upon a woman, thus obliterating the pre- 1979 implication in the PPC that a male could also be raped. Consent of the woman will not be a defense if she is less than 16 years of age. Punishment for rape will be death or imprisonment for 10 to 25 years. The procedure for rape and gang-rape cases will be governed by the Code of Criminal Procedure (CrPC). Cases will be heard by normal courts of criminal jurisdiction as was done earlier but now appeals also will be filed in normal courts and not the FSC. Zina liable to Tazir punishment [administered by a judge] has been shifted to the PPC. The offence is bailable and punishment is imprisonment for up to 5 years. All complaints will be made through private complaints supported by two adult, male, Muslim witnesses..." **[71c] (Protection for Victims of Child Sexual Abuse in the Law)**

24.15 On child offenders, the USSD Report 2006 stated that:

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

24.16 The USSD 2007 Report recorded:

"Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that

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

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

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

24.18 The same report further noted:

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

[Return to contents](#)
[Go to list of sources](#)

CHILDCARE AND PROTECTION

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

(See also [Children's homes](#))

Violence against children

24.20 The USSD Report 2007 recorded that: "Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitor child abuse reported there were 2,650 cases of child abuse (70 percent female and 30 percent male) during the year. In rural areas, poor parents sold children as bonded laborers, and daughters were sometimes sold into marriage." [2h] (Section 5)

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

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

24.23 The SPARC 2006 Report commented that:

"According to Cruel Numbers 2006, a report published by the NGO Sahil, as many as 2,447 that includes 1,794 girls and 653 males were victims of violence throughout Pakistan as reported in the media and cases handled by the NGO directly. Majority of the crimes committed against these children were that of abduction for sexual purposes and sodomy. Regrettably so, the incidents of children committing suicides are also on the rise in Pakistan. The factors responsible for this are poverty, frustration, lack of understanding and support from parents, teachers, and a major reason is the criminalization of the society as a whole. The easy access and availability of arms, the rise in

the power of fanatics, the threatening posture of these elements and using children for their ulterior motives, and a lack of accountability at any level has also played an important role in the increased violence against children as well as in the society.” [71a] (p177-178)

- 24.24 The same source provided a breakdown of the total cases of violence against children into sub-categories, which included 704 murders, 637 cases of sexual abuse, 41 cases of Karo Kari, 1008 cases of kidnapping and 96 cases of police torture. [71a] (p186)
- 24.25 Amnesty International’s Annual Report 2008 stated that: “Girls and women were increasingly targeted for abuses in the areas along the border with Afghanistan under Taliban control.” [4a] (Violence against girls and women)

(See also Section 23: [Rape](#) and 13: [Prison Conditions, subsection: Women and Children](#))

[Return to contents](#)
[Go to list of sources](#)

Forced marriage

- 24.26 In the SPARC Report 2006, it was noted “In a large number of areas, girls are married off by age 12 and 13 burdening the little girl with the responsibility of house work, child bearing and rearing, taking care of the demanding in-laws and fulfilling family obligations before she has outgrown her own childhood.” [71a] (p68) The same source added that “traditions and customs play an important part in the life of the people...being predominantly patriarchal, women and girl child are the worst sufferers of these traditions such as Karo Kari, Swara, Vani and child marriages.” [71a] (p195)
- 24.27 The USSD Report 2007 stated that “No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading into marriage of girls as young as 11 reportedly was common practice among the Pashtun subtribes as acts of retribution and to settle scores between tribes.” [2h] (Section 5) Freedom House Freedom in the World 2008 echoed these concerns and stated “Despite legal bans, other forms of child and forced marriage continue to be a problem.” [19a]
- 24.28 On 15 June 2008, IRIN reported that:
- “Statistics compiled by the Islamabad office of the International Population Council, headquartered in the US, reveal that 58 percent of rural females in Pakistan are married before the age of 20, a large number before reaching the legal age of 16. Exact numbers are not available, due to a lack of research and the tendency among families to lie about age when registering marriages. Indeed, many are not registered at all. In urban areas the ratio is 27 percent. Overall, the council reports, 32 percent of married women in Pakistan aged 20-24 were married before reaching 18. Of the provinces, Sindh, in the south, has the highest percentage of early marriages among females, while the Punjab, the most developed, has the lowest.” [41d]
- 24.29 The same source noted that a recent ‘jirga’ (council of tribal elders) in the village of Chach, Sindh province, “...decided that 15 girls, aged between three

and 10 years, from the Chakrani tribe, would be married to men from the rival Qalandari tribe to settle an eight-year-old feud... The Sindh and federal governments have been approached to intervene in the matter but have not yet announced action.” [41d]

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

(See also Section 23: [Women subsection Socio-Economic Rights](#))

Forced labour

- 24.31 The USSD Report 2007 noted that “Child labor was a significant problem. NGOs such as Sahil, SPARC, and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems.” [2h] (**Section 5**)

- 24.32 On the issue of bonded labour of children, the USSD Report 2007 noted “Bonded labor of children in brick kilns, rice mills and textile factories remained a serious issue. In some cases families sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped.” [2h] (**Section 5**) The SPARC 2006 Report observed that between 2001 and 2003, 41,218 children were trafficked between rural and urban areas in the province of Sindh. The principal reason for this was forced labour.” [71a] (**p63**)

- 24.33 The USSD Report 2007 stated:

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

(See also Section 25: [Trafficking](#); and [Section 24.08: Domestic legislation](#))

[Return to contents](#)
[Go to list of sources](#)

Children’s homes

- 24.34 The National Commission for Child Welfare and Development (NCCWD) stated in their undated factsheet on Street Children, accessed on 27 June 2008, that there are more than 250 orphanages in Pakistan, including SOS

villages. The homes provide shelter not only to orphans, but to children who have been abandoned by their parents. [29i]

- 24.35 SOS Children's Villages' country overview of Pakistan, reported that "At present, there are eight SOS Children's Villages in Pakistan, one SOS Children's Home, six SOS Youth Facilities, seven SOS Hermann Gmeiner Schools, four SOS Vocational Training Centres, four SOS Social Centres, two SOS Medical Centres, and two SOS Emergency Relief Programmes." [28b] The same source, accessed on 25 January 2008, stated that the charity has seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarabad and Sialkot, offering schooling, medical services and vocational training to those in need. [28a]
- 24.36 The Child Protection and Welfare Bureau, Punjab, stated that it had opened five Child Protection Institutions for the temporary and long-term care of destitute and neglected children. The Institutions provide children with "...high quality residential, educational, vocational and recreational facilities." [64f]
- 24.37 The Edhi Foundation, the largest welfare organisation in Pakistan, noted on their website that they provided "Jhoolas" (baby cradles) at most of the Edhi emergency centres, a service where unwanted infants can be left. The abandoned babies are given shelter in Edhi homes and later put up for adoption. [10a] (Edhi Foundation Services) The website listed 112 Edhi Foundation Centres across Pakistan. [10b] (Contact Edhi Foundation) The same organisation also ran homes for destitute orphans and runaways. The source stated there were 13 homes across Pakistan, seven of which were in Karachi. [10a] (Edhi Foundation Services)

[Return to contents](#)
[Go to list of sources](#)

EDUCATION

- 24.38 Europa World Online, accessed 12 February 2008, noted that: "Universal free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of 10, is divided into two stages, of three and four years respectively." [1] (Education) Europa recorded the adult literacy rate in 2004 as 49.9 per cent (males 63 per cent, females 36.02 per cent). [1] (Statistics: Education) The SPARC Report 2006 recorded that, based on the National Education Census of 2006, there were over 245,000 educational institutions in Pakistan, over 164,000 in the public sector, 81,103 private. Of the total number of schools, over 12,000 institutions were "non-functional." [71a] (p102)
- 24.39 The SPARC 2006 report, quoting 'Education Reform in Pakistan Building for the Future' edited by Robert Hathaway (2005), stated:
- "Pakistan's education system is regularly cited as one of the most serious impediments preventing the country from achieving its potential. The United Nations Development Program's Human Development Report gives Pakistan the lowest "education index" score for any country outside Africa. According to the International Crisis Group, Pakistan is one of only 12 countries in the world that spends less than 2 percent of its GDP on education. The adult literacy

rate in Pakistan is under 50 percent, while less than one-third of adult women have a functional reading ability. The population of Pakistan makes it the sixth most populous nation and almost half of its total population of over 160 million comprises children less than 18 years of age and women make up almost 50 percent. An estimated 25 million children are not going to school and approximately 10 million are in child labor. About 20 percent [of] children go to private English medium schools, whereas the huge chunk almost, three quarters of the remaining child population study in public schools. Consequently the rest of the children, who are not attending either the private or the public schools are in the madrassah. There is no data quoting the exact number of children attending the madaris. But it is no doubt a substantial number.” [71a] (p97)

24.40 The USSD 2007 Report stated that:

“Local laws do not mandate free public education, and schools generally charge tuition. While some state governments such as Punjab passed laws requiring free public education, many public schools continued to charge tuition and fees for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school, the madrassa system. In urban areas many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

“According to UNICEF, 56 percent of primary school-age children were in school, although school enrollment rates dropped to 31 percent for boys and 23 percent for girls by the time children reached secondary school. The national literacy rate of 50 percent showed a significant gap between males (64 percent) and females (35 percent) due to historical and societal discrimination against educating girls. In the FATA, literacy rates were significantly lower, with literacy rates for females as low as 3 percent compared to the overall rate of 17 percent. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.” [2h] (Section 5)

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

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

24.42 The same report observed there was variation of enrolment in schools of children aged 5 to 12 that varied between urban and rural areas, and between provinces with Punjab having the highest proportion of children attending school, and Balochstan the lowest. Girls were less likely to go to school than boys in all provinces and in both urban and rural areas. [71a] (p111-112)

Madrasahs

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

“Madrasahs, which fall under the Ministry of Religious Affairs rather than the Ministry of Education, served as an alternative to the public school system in many areas. Many madrasahs failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. Some madrasahs reportedly continued to teach religious extremism and violence. The government continued its efforts to modernize madrasah education during the year. In 2005 an agreement was reached with the country’s five independent madrasah boards to register the 85 percent of madrasahs under their control and to introduce a modern educational curriculum in those madrasahs that were registered. At year’s end approximately 10,000 of the estimated 15,000 madrasahs were registered.” [2h] (Section 5) The USSD IRF Report 2007 recorded that “According to the Religious Affairs Ministry, approximately 11,000 out of an estimated 13,000 to 15,000 madrasahs had registered by the end of the reporting period.” [2f] (Section II)

- 24.44 The USSD IRF Report 2007 stated that:

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

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

- 24.46 The USSD Report 2007 added “At the vast majority of madrassas, students were well treated. However, press reports claimed that there were madrassas, primarily in isolated parts of NWFP [North-West Frontier Province] and interior Sindh, where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused.” [2h] (Section 5)

[Return to contents](#)
[Go to list of sources](#)

HEALTH AND WELFARE

- 24.47 The USSD Report 2007 noted that:

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

- 24.48 UNICEF noted in their background information to Pakistan, undated, that “Pakistan's maternal mortality ratio is estimated to be about 320 per 100,000 live births as compared to 17 per 100,000 live births in the United States. One in ten children does not survive their fifth birthday with the majority of deaths due to diarrhoea, pneumonia or vaccine-preventable diseases. Thirty per cent of children are chronically malnourished and lack safe water and household sanitation, especially in rural areas.” [72]

(See Section 26: [Medical Issues](#))

[Return to contents](#)
[Go to list of sources](#)

25. TRAFFICKING

25.01 In its introduction the USSD Report 2007 recorded that “Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems...” [2h] (Introduction) The Federal Investigation Agency’s (FIA) antitrafficking unit had primary responsibility for combating trafficking. An interministerial committee on human trafficking and smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking. FIA increased its efforts to stop human smugglers and traffickers. Approximately 1,550 cases were registered during the year; however, this included figures for smuggling since the FIA did not distinguish between trafficking and smuggling.” [2h] (Section 5)

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

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

25.03 On legislation prohibiting trafficking the USSD Report 2007 stated:

“The law prohibits international trafficking in persons but remains silent on internal trafficking; however, both forms of trafficking were serious problems. All forms of international trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from seven to 14 years’ imprisonment plus fines... During the year a total of 9,089 persons were prevented from leaving the country on fake papers and via other illegal means/routes. The FIA arrested 137 ‘agents’ who were involved in false attempts to send these individuals abroad. The FIA also issued a “red book” that included the names and addresses of the agents who either had gone underground or absconded. While journalists and officials could see it, it was not available to the public at large.” [2h] (Section 5)

[Return to contents](#)
[Go to list of sources](#)

Trafficking to and from Pakistan

25.04 The USSD Report 2007 stated:

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

women and 250,000 Burmese women were trafficked into the country and forced to engage in prostitution. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, traffickers and employers confiscated both groups' passports and forced them to work to pay off their transportation debt." [2h] (Section 5) The USSD TIP Report 2008 added that: "Women from Bangladesh, Sri Lanka, Nepal, and Burma are trafficked through Pakistan to the Gulf." [2d] (P202)

- 25.05 On the problem of trafficking camel jockeys to the Middle East, the USSD Report 2007 observed:

"In 2005 the United Arab Emirates (UAE) banned the use of children as camel jockeys and signed agreements with UNICEF and major source countries, including Pakistan, to provide a mechanism for restoration and rehabilitation for victims. NGOs had unconfirmed reports that children from impoverished districts of the southern Punjab and interior Sindh continued to be recruited as camel jockeys. UNICEF reported that by June, 695 former camel jockeys returned to the country." [2h] (Section 5)

- 25.06 The USSD TIP Report 2008 noted that: "The government continued to air television, radio, and newspaper announcements warning of the dangers of trafficking children for camel jockeying in the Gulf." [2d] (p203)

Trafficking within Pakistan

- 25.07 With regard to internal trafficking in Pakistan the USSD Report 2007 stated that "Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and labor. Bonded labor of children in brick kilns, rice mills and textile factories remained a serious issue. In some cases families sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped." [2h] (Section 5) The USSD TIP Report 2008 noted that "Pakistan faces a considerable internal trafficking problem reportedly involving thousands of women and children trafficked to settle debts and disputes, or forced into sexual exploitation or domestic servitude. According to one NGO, children as young as six years old are forced into domestic service, and face physical and sexual abuse. Bonded labor is a large internal problem in Pakistan; unconfirmed estimates of Pakistani victims of bonded labor, including men, women, and children, are in the millions." [2d] (p202) The SPARC Report 2006, referring to an earlier SPARC piece of research, stated that 41,218 children were trafficked between rural and urban areas in the Sindh between 2001 and 2003, mostly for forced labour. [71a] (p63)

(See Section 24: [Children](#))

[Return to contents](#)
[Go to list of sources](#)

Prosecution

- 25.08 The USSD TIP Report 2008 observed that:

"The Government of Pakistan made insufficient law enforcement efforts to address trafficking this year. Pakistan prohibits all forms of transnational

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

25.09 The same source stated:

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

25.10 On the matter of prosecutions of government officials the USSD Report 2007 noted that traffickers had bribed officials to facilitate their passage. But during the year the Government arrested Federal Investigation Agency officers and prosecuted government officials for trafficking offences. The report added that “According to an Islamabad based NGO, 27 officials of the FIA were punished under departmental laws.” [2h] (Section 5)

Assistance to victims of trafficking

25.11 The USSD TIP Report 2008 stated:

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

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

25.12 The USSD Report 2007 also reported that:

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

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

[Return to contents](#)
[Go to list of sources](#)

26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The World Health Organisation's (WHO's) Country Profile on Pakistan, accessed on 18 January 2008, advised that, for every 10,000 people, there were 8 physicians, 1 dentists, 3 nursing and midwifery personnel and 7 hospital beds. [5a] The website [Medics Travel](#) published a list of medical organisations in Pakistan, including hospitals in Lahore, Islamabad, Karachi, Rawalpindi and some rural areas (accessed 18 January 2008). [15]

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

“Adequate medical care is available in major Pakistani cities, but is limited in rural areas. Facilities in the cities vary in level and range of services, resources, and cleanliness, and Americans may find them below U.S. standards; facilities in rural areas are consistently below U.S. standards... Effective emergency response to personal injury and illness is virtually non-existent in Pakistan. Ambulances are few and are not necessarily staffed by medical personnel... Many American-brand medications are not widely available, but generic brands from well-known pharmaceuticals usually are. The quality of the locally-produced medications is not known.” [2e] (p3)

26.03 The SPARC 2006 Report stated that:

“As for availability and expansion of resources pertaining to health, especially mother child health, healthcare facilities have multiplied in number compared to previous years. According to figures released by the government, these health care facilities include 946 hospitals, 4,554 dispensaries, 5,290 Basic Health Units and sub health centers, 907 Mother and Child Health Centers, 552 Rural Health Centers and 289 Tuberculosis (TB) Centers primarily run by provincial governments. A large number of Lady Health Workers have been recruited to assist expecting mothers in rural or far-flung areas. For the uplift of ‘nursing’ profession, incentives have been offered for ensuring efficiency among paramedical staff. Charge nurses are upgraded from BPS 14 to 16 and Head Nurses from BPS 16 to 17, with new jobs created in the nursing sector. However, the ground reality remains grave. In a number of basic health units, doctors fail to show up, adding more to the agony of patients. On the other hand, doctors complain of inadequate facilities. It is highly desirable to devise ways to attract doctors to health units.” [71a] (p6)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

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

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

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

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

[Return to contents](#)
[Go to list of sources](#)

CANCER TREATMENT

- 26.07 On 2 December 2005, the Aga Khan Development Network issued a press release which stated that:

“His Highness the Aga Khan, Chairman of the Aga Khan Development Network (AKDN) and Chancellor of Aga Khan University (AKU) today inaugurated the US \$8.4 million Ibn Zuhr Building for Oncology Services at AKU’s Karachi campus. The building...is a comprehensive cancer centre with state-of-the-art equipment, offering a wide range of facilities such as screening, diagnostic and treatment services, including high quality nuclear imaging, chemotherapy, radiation therapy, surgical oncology services, and cancer research facilities – all under one roof. The new addition to the 654-bed Aga Khan University Hospital (AKUH) in Karachi is the first of its kind in Sindh and will provide a much needed service in a country where five to ten percent of the population could suffer from cancer in their lifetime. At AKUH alone, approximately 12,000 patients are diagnosed with cancer each year. The Chancellor also expressed satisfaction that services provided at the Ibn Zuhr Building will be accessible to those who cannot afford the full cost of their treatment, through the support of the University Hospital’s Patient Welfare Programme.” [47]

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

“Facilities for treatment of cancer patients are available in a few larger cities in both public and private hospitals. There are 18 radiotherapy centers with 65 practicing radiation oncologists; the quality of these centers is extremely variable depending on the expertise of the physician and available equipment. There are only 15 medical oncologists practicing in major cities. State-of-the-art surgical oncology is practiced in only a few hospitals, and as a result, the majority of patients undergo sub-optimal surgery. In Pakistan, profound differences exist with respect to the availability of medical care to different

segments of the population. Good quality hospital care is available to the affluent class, either from a small number of excellent public sector hospitals, or from the private sector. The less affluent classes are provided free services in the government hospitals but again, the quality of these services is extremely variable, depending on the available resources and trained personnel. The financial burden of treatment is borne by the patients, which makes it difficult for the poor to receive state-of-the-art treatment. They are supported by monetary donations from individuals as well as government funds and Zakat, a tax that the more wealthy Muslims pay specifically to help the poor. These contributions tend to be insufficient and erratic. Clearly these resources are inadequate to deal with the ever increasing economic burden of cancer patients. It is estimated that fewer than 30% of patients receive the minimal recommended treatment for their disease". [73]

KIDNEY DIALYSIS

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

MENTAL HEALTH

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

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

26.11 The report further also noted that:

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

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

“The country has specific programmes for mental health for refugees and children. NGOs are involved in service provision and advocacy for the above groups. Afghan refugees are being provided services by international organizations. There are also facilities for women and victims of torture. There are some facilities for children in the larger hospitals and regional hospitals, but the most parts of the country have no facilities for child and adolescent psychiatry. There are many residential and day care facilities for people with learning disabilities, especially in big cities. There is a school mental health programme and it aims to develop awareness of mental health among schoolchildren, schoolteachers and the community; to provide essential knowledge about mental health to teachers so that they are able to impart that to the students and are able to recognize and provide some counselling to the students for basic psychological problems...” [5b]

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

[Return to contents](#)
[Go to list of sources](#)

27. HUMANITARIAN ISSUES

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

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

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

27.03 The same report noted that:

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

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

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

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

[Return to contents](#)
[Go to list of sources](#)

28. FREEDOM OF MOVEMENT

28.01 In respect of “freedom of movement within the country, foreign travel, emigration and repatriation”, the US State Department Report on Human Rights Practices 2007 noted that the law provides for these rights although the government limited them in practice. The report noted “The government required that foreigners have special permission to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas] and Balochistan.” [2h] (Section 2d)

28.02 The same report stated that:

“The law prohibits travel to Israel, although the law was not enforced in practice. Government employees and students must obtain no objection certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. At the years end there were approximately 917 names on the ECL, according to media reports, a decrease from 3,740 the previous year. According to human rights lawyers, the number of persons on the ECL dropped sharply after the courts took notice of the list. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required to add a name to the ECL, and it was sometimes used to harass human rights activists or leaders of opposition and nationalist parties. Those on the list had the right to appeal for removal of their name. ...The law prohibits forced exile [former prime ministers Benazir Bhutto and Nawaz Sharif, who had been exile since 2001, were both allowed to return in October and November 2007 respectively].” [2h] (Section 2d)

[Return to contents](#)
[Go to list of sources](#)

29. FOREIGN REFUGEES

TREATMENT OF FAILED ASYLUM SEEKERS

29.01 On 26 May 2005, the Canadian Immigration and Refugee Board (CIRB) noted, in a Response to Information Request (RIR), that:

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

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

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

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

29.03 The same source noted:

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

“Pakistanis returning from abroad are not interviewed by the FIA. You pass through passport control and customs and then leave. However, if a person is deported by a foreign country for any reason (overstay, passport and visa fraud, involvement in a crime in the host country) and formally handed over to Pakistani authorities, the FIA/relevant authorities would undertake an inquiry. If found to have forged [a] passport/visa or [committed] any other illegal activity, he/she can be charged and presented to a court of law. All deportations are inquired into.

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

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

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

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

29.05 The same source also reported:

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

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

[Return to contents](#)
[Go to list of sources](#)

AFGHAN REFUGEES

29.06 The USSD Report 2007 noted that:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees

and its 1967 Protocol; however, the government has a system to protect refugees. The government did not grant refugee status or asylum. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the UN High Commissioner for Refugees (UNHCR) approximately 2.1 million Afghan refugees remained in the country. The government continued to work closely with the UNHCR to provide support to this population. As of mid-October [2007], approximately 346,000 refugees had taken advantage of UNHCR assistance to repatriate, including more than 200,000 who had not been registered officially.” [2h] (Section 2d)

29.07 The USSD Report 2007 also reported that:

“Four Afghan refugee camps were scheduled for closure during the year; however, only one—Kacha Garhi camp in NWFP—closed. Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees during their search for al Qa’ida. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition, and blamed refugees for high crime rates.” [2h] (Section 2d)

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

“A grace period for unregistered Afghans to return home from Pakistan ended at the weekend after more than 200,000 Afghans had repatriated with UNHCR assistance. The sixth year of UNHCR-facilitated returns to Afghanistan was linked to the registration of more than 2.15 million Afghan citizens in Pakistan. The exercise ended earlier this year and Pakistan said Afghans who were not registered and did not have Proof of Registration (PoR) cards would be given a six-week grace period to return voluntarily...On the last day of the grace period, just over 9,000 Afghans left Pakistan from three voluntary repatriation centres (VRC) run by UNHCR in North West Frontier Province (NWFP) and Balochistan province. Since this year’s repatriation began, a total of 205,977 Afghans went back home voluntarily, most from NWFP.” [20c]

29.09 The same article further stated that:

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

[Return to contents](#)
[Go to list of sources](#)

30. CITIZENSHIP AND NATIONALITY

- 30.01 Information issued by the Pakistani government (accessed on 30 June 2008) advised that Pakistan citizenship can be acquired in specified circumstances; these included “Foreign ladies married to Pakistani nationals”, and the “Minor children (below 21 years of age) of Pak [sic] ladies married to foreigners.” Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 16 countries including the UK. [29b] Travel advice issued by the Foreign and Commonwealth Office, updated 7 July 2008, stated that “If you or your father were born in Pakistan, you might be considered a Pakistani national by the authorities, even if you do not hold a Pakistani passport, and the British government might be prevented from providing the full range of consular assistance.” [11a] (Local laws and customs) Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. [29b] (p5)
- 30.02 The Pakistan Citizenship Act, 1951, stated that Pakistan citizenship could be acquired:
- By birth - Section 4 of the Citizenship Act
 - By descent - Section 5 of the Citizenship Act
 - By migration - Section 6 of the Citizenship Act
 - By Naturalization - Section 9 of the Citizenship Act
 - By Marriage -Section 10 of the Citizenship Act [20b]

NATIONAL IDENTITY CARDS

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

[Return to contents](#)
[Go to list of sources](#)

31. EXIT/ENTRY PROCEDURES

31.01 The USSD Report 2007 observed that the laws provides for the freedom of movement within the country, foreign travel, emigration and repatriation but the government limited these in practice and "...required that foreigners have special permission to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas] and Balochistan." [2h] (Section 2d)

31.02 Ordinary Machine Readable passports can be issued to all citizens of Pakistan. In applying, applicants aged 18 or above should provide their original National Database and Registration Authority (NADRA) ID card plus two photocopies; NOC [No Objection Certificate] in case of a Government Servant; old passport (if issued) plus a photocopy; and foreign passport, plus copies, for dual nationality holders only. (Government of Pakistan, Ministry of Interior, last updated 28 August 2007) [29a] (Obtaining a Fresh Passport)

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

31.03 The Government of Pakistan's Federal Investigation Agency (FIA) provided information on their website (undated) on the Personal Identification Secure Comparison and Evaluation System (PISCES). The FIA noted:

"PISCES Project provides Immigration officials and law enforcement agencies with a tracking system to capture vital information of travelers and allows them to identify and, if necessary detain individuals of interest..."

"PISCES project will enable the linking of all ports of exit/entry under real-time networking environments and provide smooth working co-ordination and standardization among different law enforcement agencies in the area of immigration control. In this connection PISCES system has been installed at seven major airports of the country i.e. Islamabad, Karachi, Lahore, Peshawar, Quetta, Multan and Faisalabad airports till the end of year 2004. The system has provision to accommodate information on suspects from all law enforcement agencies like Immigration, Police, Narcotics Control, Anti-smuggling, and Intelligence Services." [29d]

31.04 Pakistan newspaper, *The News*, reported on 15 February 2008 that up to 4,000 people were on the Federal Investigation Agency's PISCES watch list. The article noted:

"This system [PISCES] works against pre-defined watch list of suspects that includes ECL [Exit Control List], stolen passport and blacklisted for visa, lost/missing passports and blacklisted for passport categories... There are 17 operational sites of PISCES in Pakistan, including Karachi airport, Lahore airport, Islamabad airport, Peshawar airport, Quetta airport, Multan airport, Faisalabad airport, Wagha land route, Chaman land route, Torkham land route, Wagha Railway Station, Karachi seaport, Khokarapar railway station, Ghassbandar seaport, Port Bin Qasim, Taftan land route and Sust land route. The system is also being planned for Gwadar airport, Pasni airport, Turbat airport and Gwadar seaport... PISCES has contributed a lot in identifying the high value suspects especially involved in terrorism and human trafficking..." [3a]

- 31.05 Regarding border control using a Multi-Biometric E Passport, Pakistan's National Database and Registration Authority (NADRA) reported on "... the latest in border control systems... an auto-gate, designed for the immigration authorities to efficiently process all arrivals and departures at all international airports, railway stations or bus terminals." [29f] (Integration with Automated Border Control (ABC))
- 31.06 NADRA stated:
- "The Automated Border Control (ABC) is a fully automated immigration control system linked with the central database that makes full use of the e-passport not only by reading all electronic passports but also by performing Facial Recognition and Fingerprint Identification to identify the individuals.
- "This system has the capability of reading and processing all of Electronic and Manual Passports as well as all identity documents such as the National Identity Cards for Overseas Pakistanis. It also retains important attributes of travelers as well as information about their port of origin, destination, and nationality, which can then be used by immigration authorities and security agencies, should the need arise." [29f] (Integration with Automated Border Control (ABC))
- 31.07 The same source noted: "The new Multi-biometric E-Passport is being integrated with the Automated Border Control (ABC) system... resulting in a seamless inter-working of the Multi-biometric Machine Readable E-Passports at the border entry and exit terminals." Features of the E-Passport include "Facial Recognition System for 1:1 verification with the photograph from the National Data Warehouse in order to eliminate fraudulent photographs. It also crosschecks from the wanted list of Police, Interpol, or other agencies. Any renewals will match all the photographs of the individual, available in the database." [29f] (Multi-biometric E-Passport Features)
- 31.08 In a Response to Information Request (RIR), dated 23 November 2005, the Immigration and Refugee Board of Canada (CIRB) noted that "The Exit Control List (ECL) contains the names of Pakistani citizens banned from travel abroad. The ECL is in place to prevent those undergoing criminal investigations as well as criminals at large from travelling abroad." [12g]
- 31.09 The same source noted: "Although the Ministry of the Interior maintains the ECL the National Accountability Bureau may recommend names to be added to the list; judicial action is not required to add a name to the ECL, though permission from the courts is required to remove a name from the ECL. There is no limit to the amount of time a person's name remains on the list." [12g]
- 31.10 Continuing the subject of exit control in Pakistan, the CIRB further noted that:
- "First Information Reports (FIR) are the legal basis for all police arrests in Pakistan and are issued based on 'reasonable proof' a crime has been committed. Police may detain a suspect for 24 hours on an FIR.
- "In 2003, a Lahore-based lawyer, who is an advocate in the Supreme Court of Pakistan, stated that 'A simple FIR would not bar a person from leaving Pakistan...In [Pakistan], even if you are convicted [of an offense], you are not [automatically put] on the ECL...[Your name is] only [included in the ECL] if

you have absconded from the law,...for political reasons or for corruption charges - real or otherwise'...

"This information was corroborated in 2003 by a Karachi-based lawyer, who indicated that 'A person can exit Pakistan even if there is a First Information Report registered against him, unless the name is put on the Exit Control List or there is a court order to the immigration officer that the passenger be detained'...

"Despite unsuccessful attempts to contact these sources, an Islamabad-based lawyer stated in 24 November 2005 correspondence to the Research Directorate that those with an FIR against them are not necessarily put on the ECL, nor are they necessarily restricted from exiting Pakistan." [12g]

[Return to contents](#)
[Go to list of sources](#)

32. EMPLOYMENT RIGHTS

32.01 The USSD Report 2007 recorded that:

“The Industrial Relations Ordinance (IRO) provides industrial workers a limited right to form trade unions. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent. Agricultural workers, nonprofit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the government underestimated the number of union members. The large number of workers in the informal sector (70 percent of a total labor force of 51 million) was not represented by unions.” [2h] (Section 6a)

32.02 The same report also noted that:

“A few sectors are exempted from the IRO: the police, armed forces, ministry of defense, Pakistan Security Printing Corporation, civil defense, fire services, and oil installations. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. In the rest of the economy, the government allowed unions to conduct their activities without interference, except for those employees within the Export Processing Zones (EPZs). The IRO protects the right to collective bargaining, subject to restrictions, but limits the right of unions to strike.” [2h] (Section 6b)

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

“The religious minorities have been denied proportional representation in government jobs. According to the 13th census of civil servants-2006, an overwhelming majority (97.51 per cent) of the federal civil servants are Muslims while only 250 civil servants (0.11 per cent) are Ahmadis, 499 civil servants (0.21 per cent) are Hindus, 23 civil servants are Buddhists, 4,731 (2.01 per cent) civil servants are Christians and 22 civil servants of ‘other’ religions and 0.14 per cent whose religions have not been disclosed.” [82a] (p5: Denial of government jobs)

32.04 The USSD Report 2007 stated that:

“The national minimum wage for unskilled workers was \$41 (2,500 rupees) per month. It applied only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Significant parts of the work force (such as those in the informal sector, domestics and migrant workers) were not covered. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a

worker's welfare fund. Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors." [2h] (Section 6e)

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

[Return to contents](#)
[Go to list of sources](#)

BONDED LABOUR

32.05 The USSD Report 2007 stated that:

"The law prohibits forced or bonded labor, including by children; however, the government did not enforce these prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to five years in prison and up to \$825 (50,000 rupees) in fines.

"Estimates by NGOs SPARC and SHARP suggested that between 1.5 and 2 million persons were involved in some form of bonded labor, primarily in Sindh Province. Bonded labor was most common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus.

"Bonded laborers often were unable to determine when their debts were fully paid. Those who escaped frequently faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor." [2h] (Section 6c)

32.06 The USSD IRF Report 2007 recorded that:

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

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

[Return to contents](#)
[Go to list of sources](#)

Annex A: Chronology of major events

(As reported in the BBC's '[Timeline – Pakistan A chronology of key events](#)', updated 4 June 2008 [35b] unless otherwise sourced)

- 1947** Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.
- 1948** Muhammed Ali Jinnah, the first governor general of Pakistan, dies.
- 1948** First war with India over disputed territory of Kashmir.
- 1951** Jinnah's successor Liaquat Ali Khan is assassinated.
- 1956** Constitution proclaims Pakistan an Islamic republic.
- 1958** Martial law declared and General Ayyub Khan takes over.
- 1960** General Ayyub Khan becomes president.
- 1965** Second war with India over Kashmir.
- 1969** General Ayyub Khan resigns and General Yahya Khan takes over.
- 1970** Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.
- 1971** East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.
- 1972** Simla peace agreement with India sets new frontline in Kashmir.
- 1973** Zulfikar Ali Bhutto becomes prime minister.
- 1977** Riots erupt over allegations of vote-rigging by Zulfikar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.
- 1978** General Zia becomes president.
- 1979** Zulfikar Ali Bhutto hanged.
- 1980** US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.
- 1985** Martial law and political parties ban lifted.
- 1986** Zulfikar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.
- 1988** August – General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.

- 1988** November – Benazir Bhutto’s PPP wins general election.
- 1990** Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.
- 1991** Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.
- 1992** Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.
- 1993** President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.
- 1996** President Leghari dismisses Bhutto government amid corruption allegations.
- 1997** Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.
- 1998** Pakistan conducts its own nuclear tests after India explodes several devices.
- 1999** April – Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.
- 1999** May – Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.
- 1999** October – Prime Minister Nawaz Sharif overthrown in military coup led by General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.
- 2000** April – Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.
- 2000** December – Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.
- 2001** 20 June – Gen Pervez Musharraf names himself President while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved.
- 2001** July – Musharraf meets Indian Prime Minister Atal Behari Vajpayee in the first summit between the two neighbours in more than two years. The meeting ends without a breakthrough or even a joint statement because of differences over Kashmir.
- 2001** September – Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan’s nuclear tests in 1998, but retains others put in place after Musharraf’s coup.

- 2001** October – India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir for almost a year.
- 2001** December – India imposes sanctions against Pakistan, to force it to take action against two Kashmir militant groups blamed for a suicide attack on parliament in New Delhi. Pakistan retaliates with similar sanctions.
- 2001** December – India, Pakistan mass troops along common border amid mounting fears of a looming war.
- 2002** January – President Musharraf bans five militant groups (Lashkar-e-Taiba, Jaish-e-Muhammad, Sipah-e-Sahaba Pakistan, Tehrik-e-Jafria Pakistan and Tahrik-e-Nifaz-e-Shariat-e-Muhammadi). [20d] (p1)
- 2002** January – Musharraf announces that elections will be held in October 2002 to end three years of military rule.
- 2002** April – Musharraf wins another five years in office in a referendum criticised as unconstitutional and fraught with irregularities.
- 2002** May – 14 people, including 11 French technicians, are killed in a suicide attack on a bus in Karachi. The following month 12 people are killed in a suicide attack outside the US consulate in the city.
- 2002** May – Pakistan test fires three medium-range surface-to-surface Ghauri missiles, which are capable of carrying nuclear warheads. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.
- 2002** June – Britain and USA maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.
- 2002** August – President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.
- 2002** October – First general election since the 1999 military coup results in a hung parliament. Parties haggle over the make-up of a coalition. Religious parties fare better than expected.
- 2002** November – Mir Zafarullah Jamali selected as prime minister by the National Assembly. He is the first civilian premier since the 1999 military coup and a member of a party close to General Musharraf.
- 2003** February – Senate elections: Ruling party wins most seats in voting to the upper house. Elections said to be final stage of what Musharraf calls transition to democracy.
- 2003** June – North-West Frontier Province votes to introduce Sharia law.
- 2003** November – Pakistan declares a Kashmir ceasefire, which is swiftly matched by India.

- 2003** December – Pakistan and India agree to resume direct air links and to allow overflights of each other's planes from beginning of 2004 after two-year ban.
- 2004** February – Leading nuclear scientist Dr Abdul Qadeer Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.
- 2004** April – Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.
- 2004** May – Pakistan readmitted to Commonwealth.
- Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.
- 2004** June – Military offensive near Afghan border against suspected al-Qaeda [al-Qa'ida] militants and their supporters after attacks on checkpoints. Earlier offensive, in March, left more than 120 dead.
- 2004** August – Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.
- 2004** December – President Musharraf says he will stay on as head of the army having previously promised to relinquish the role.
- 2005** January – Tribal militants in Baluchistan attack facilities at Pakistan's largest natural gas field, forcing closure of main plant.
- 2005** 7 April – Bus services, the first in 60 years, operate between Muzaffarabad in Pakistani-administered Kashmir and Srinagar in Indian-controlled Kashmir.
- More than 200 suspected Islamic extremists are detained at premises which include religious schools and mosques. The move comes after deadly attacks in the British capital; three of the bombers visited Pakistan in 2004.
- 2005** August – Pakistan tests its first, nuclear-capable cruise missile.
- 2005** 8 October – An earthquake, with its epicentre in Pakistani-administered Kashmir, kills tens of thousands of people. The city of Muzaffarabad is among the worst-hit areas.
- 2006** January – Up to 18 people are killed in a US missile strike, apparently targeting senior al-Qaeda figures, on a border village in the North.
- 2006** February – More than 30 people are killed in a suspected suicide bomb attack and ensuing violence at a Shia Muslim procession in the north-west.
- 2006** April – A suspected double suicide bombing kills at least 57 people at a Sunni Muslim ceremony in Karachi.
- 2006** August – Security forces kill prominent Balochistan tribal leader, Nawab Akbar Bugti. Protests over his death turn violent.

- 2006** October – Raid on an Islamic seminary in the tribal area of Bajaur bordering Afghanistan kills up to 80 people, sparking anti-government protests. The army says the madrassa was a training camp for militants.
- 2006** December – Pakistan says it has successfully test-fired a short-range missile capable of carrying a nuclear warhead.
- 2007** January – Islamabad rejects an assertion by the head of US National Intelligence that al-Qaeda leaders are hiding out in Pakistan.
- February – Bombings in different parts of the country, including at Islamabad's Marriott Hotel and the international airport, kill a number of people.
- 68 passengers, most of them Pakistanis, are killed by bomb blasts and a blaze on a train travelling between the Indian capital New Delhi and the Pakistani city of Lahore.
- Pakistan and India sign an agreement aimed at reducing the risk of accidental nuclear war.
- March – President Musharraf suspends the Chief Justice Iftikhar Mohammed Chaudhry, triggering a wave of anger across the country.
- March-April - Officials say around 250 people have been killed in fighting between South Waziristan tribesmen and foreign militants said to be linked to al-Qaeda.
- May - Several killed in Karachi during rival demonstrations over dismissal of Chief Justice Chaudhry. Subsequent strikes paralyse much of the country.
- May - A bomb blast in a hotel in Peshawar kills 24.
- June - President Musharraf extends media controls to include the internet and mobile phones amid a growing challenge to his rule.
- July - Security forces storm the Red Mosque complex in Islamabad following a week-long siege.
- Supreme Court reinstates Chief Justice Chaudhry.
- Ms Bhutto and President Musharraf hold a secret meeting in Abu Dhabi on a possible power-sharing deal.
- August - Supreme Court rules Nawaz Sharif can return from exile.
- September - Mr Sharif returns but is sent back to exile within hours.
- October - Musharraf wins most votes in presidential election. The Supreme Court says no winner can be formally announced until it rules if the general was eligible to stand for election while still army chief.
- Nearly 200 people die in fighting with Islamic militants in North Waziristan, stronghold of pro-Taliban and al-Qaida groups.

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

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

Caretaker government sworn in.

New Supreme Court - now staffed with compliant judges - dismisses challenges to Musharraf's re-election.

Pakistan's Chief Election Commissioner announces that general elections to be held on 8 January 2008.

Nawaz Sharif returns from exile again.

Musharraf resigns from army post and is sworn in for second term as president.

15 December - State of emergency lifted.

27 December - Benazir Bhutto assassinated at election campaign rally in Rawalpindi.

2008 January - Elections postponed to 18 February.

Suicide bomber kills more than 20 policemen gathered outside the High Court in Lahore ahead of an anti-government rally.

Up to 90 fighters killed in clashes in the tribal region of South Waziristan, near the Afghan border, where militants have been openly challenging the army.

February – Parliamentary elections. The two main opposition parties gain a clear majority. They later agree to form a coalition government.

March – People's Party nominee Yusuf Raza Gillani becomes prime minister.

May – The disgraced Pakistani nuclear scientist, Dr Abdul Qadeer Khan, says allegations he passed on nuclear secrets are false and that he was made a scapegoat.

[Return to contents](#)
[Go to list of sources](#)

Annex B: Political organisations

ALL PAKISTAN MOHAJIR STUDENTS ORGANISATION (See MUTTAHIDA QUAMI MOVEMENT)

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE (APHC)

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

AWAMI NATIONAL PARTY (ANP) (PEOPLE'S NATIONAL PARTY)

Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and nationalist. Pakhtoonkhawa Qaumi Party merged with the ANP in February 2006, followed by the National Awami Party Pakistan in June of the same year. Leader: Abdul Latif Afridi. President: Asfandyar Wali Khan. (Europa World Online) [1] (**Political Organisations: Awami National Party**) Following its success in the February 2008 parliamentary elections, winning 10 seats in the National Assembly and 31 seats in the Frontier Assembly (Elections.com, undated) [39a], the Awami National Party (ANP) formed part of the coalition in the National Assembly (*Dawn*, 13 March 2008) [42a] and joined with the PPP in the NWFP Assembly. (Geo TV, 5 March 2008) [45a]

BALUCHISTAN NATIONAL PARTY (BNP) – AWAMI

Based in Quetta, led by Moheem Khan Baloch. (Europa World Online) [1] (**Political Organisations: Balochistan National Party (BNP) – Awami**)

BALUCHISTAN NATIONAL PARTY (BNP) – MAINGAL

Based in Quetta, led by Sardar Mohammad Akhtar Maingal. (Europa World Online) [1] (**Political Organisations: Balochistan National Party (BNP) – Maingal**)

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

HAKAKAT-UL-MUJAHIDEEN (HuM) (Movement of Holy Warriors) (Believed to have also operated as Jamiat-ul-Ansar)

Jane's Terrorism and Insurgency Centre website noted that the HuM was founded in 1985 and reports that:

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

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

In October 2003 the Government of Pakistan ordered that HuM and associated groups' offices be closed and their activities terminated. The HuM is believed to have continued operating under the name Jamiat-ul Ansar. Other names used have been al-Hadid, al-Hadith and al-Faran...Active, but its activities have been greatly reduced since 1999 when the Jesh-e Mohammadi (JeM) was formed as a splinter or cover group with almost identical aims...Various figures have been identified as HuM leaders. Masood Azhar was the group's general secretary and described as their most important military commander and strategist. His defection from the group in 1999 to establish JeM contributed to marginalisation of the HuM/HuA as such. Fazlur Rahman Khalil is believed to be the HuM's overall commander for Pakistan and holds the official title of Amir of the HuM; the US State Department has also identified Maulana Sadaatullah Khan as HuM leader, and it is probable that he is the most senior commander in IAK [Indian-administered Kashmir].

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

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

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

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

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

"As of mid-2004 most of HM's senior and experienced operational commanders within IAK had been killed or otherwise neutralised, mostly by Indian forces, but some by breakaway militant factions intent on avenging internal disputes. It is assessed that the severe blows inflicted on the HM's command structure are verging on the terminal, and

that the organisation, although continuing to be dangerous and capable of carrying out random attacks, is being gradually ground down.” [36b] (p2-3)

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

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

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – noted that, although officially launched in March 2000, its founding date is usually given as December 1999, following the release of its founder (Maulana Masood Azhar) from prison in India. Jane’s TIC reports that it is an active, radical Sunni group, and is known as “Jesh-e-Mohammadi (Army of the Prophet Mohammad: JeM), or (and more usually) Jaish-e-Mohammad, or sometimes Jaish-e-Mohammed-e-Tanzeem. One alternative name is Khuddam-ul-Islam, under which it was banned in Pakistan in November 2003... On 23 December 2003 the State Department announced it had ‘amended the designation of Jaish e-Mohammed pursuant to Executive Order 13224 to add the following names as aliases: Khuddam-ul-Islam, Khudamul Islam, Kuddam e Islami”’. [36c] (p2)

Jane’s TIC also noted that:

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

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

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

Jane’s TIC further reports that:

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

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

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

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

“Maulana Qari Mansoor Ahmed – information/public relations;
Maulana Abdul Jabbar – military;
Maulana Sajjad Usman – finance;
Shah Nawaz Khan (Sajjid Jihadi or Gazi Baba) – commander Jammu and Kashmir;
Maulana Mufti Mohammed Asghar – commander.

Membership and Support

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

JAMAAT-E-ISLAMI PAKISTAN (JIP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1941. Seeks establishment of Islamic order through adherence to the teaching of Maulana Maududi; rightwing, led by Amir Qazi Hussain Ahmad. (Europa World Online) [1] (Jamaat-e-Islami Pakistan)

JAMAAT-UD-DAWA (See LASHKAR-E-TAIBA)

JAMIAT-E-ULEMA- E-ISLAM (JUI) (See MILLAT-E-ISLAMIA PAKISTAN and MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. (Europa World Online) [1] (Jamiat-e-Ulema-e-Islam) The JUI (Islamic Party of Religious Leaders) is led by Maulana Fazlur Rehman, a pro-Taleban cleric, who is also the general secretary of the six-party religious alliance the Muttahida Majlis-e-Amal. [35h]

JAMIAT-E-ULEMA-E-PAKISTAN (JUP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. Leader: Maulana Shah Mohammed Noorani. (Europa World Online) [1] (Jamiat-e-Ulema-e-Pakistan)

JAMIAT-UL-FURQAN (aka TANZEEM-UL-FURQAN)

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

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – noted that the group was originally founded in 1965 as the Jammu and Kashmir National Liberation Front, but soon split. Jane’s TIC recorded that “The group is split in two main factions each calling themselves the JKLF, with a further titled the Jammu Kashmir Democratic Liberation Party...The JKLF (Yasin Malik faction) is now a non-violent organisation seeking peaceful resolution of the Kashmir dispute, but on unrealisable terms.” [36e] (p1-2) The Chairman of one faction is Amanullah Khan, the Chairman of a second

faction is Mohammad Yasin Malik and the Chairman of the Jammu Kashmir Democratic Liberation Party is Hashim Qureishi. [36e] (p3) Jane's TIC noted that "Malik is another moderate, who in May-June 2004 was involved in talks aimed at unifying moderates under the aegis of the All Parties Hurriyat Conference (APHC). The talks were unsuccessful, and the split between moderates and militants has if anything widened." [36e] (p4-5)

Jane's TIC further reported that:

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

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

KHATME NABUWWAT (COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD) (aka KHATME NUBUWWAT)

Founded before the partition of India as Majlis-e-Ahrar, a small Muslim political party. It changed its name to the Majlis Tahaffuz Khatme Nubuwwat in the 1970s, reportedly in order to attract orthodox Muslims, and became more commonly known as Khatme Nabuwwat. It is reported to have called for the banning of the Ahmadi movement and the killing of Ahmadis. [12b]

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

LASHKAR-E-JHANGVI (LeJ – Army of Jhangvi) (Also see MILLAT-E-ISLAMIA PAKISTAN)

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

Jane's TIC also reported that:

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

Jane's TIC further stated that:

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

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

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

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

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

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – noted that this group was active, and the name has been spelt as “Lashkar-e Tayyiba (LeT; sometimes LT) – Army of the Pure (sometimes ‘Righteous’); usually spelt Taiba in US official papers and most general publications; occasionally Toiba in sub-continent newspapers.”

[36g] (p1-2) Jane’s TIC also reports that its affiliations are “Radical Sunni Muslim with Wahhabi influence, but seemingly not exclusively of that persuasion,” and that it was “Banned in India, October 2001; designated a Foreign Terrorist Organisation by the US State Department, December 2001; banned in Pakistan, January 2002. It is also listed by the United Nations as “belonging to or associated with the Al-Qaeda organisation”. [36g] (p2)

Jane’s TIC further recorded that:

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

“The LeT joined the resistance movement against the Soviet occupation of Afghanistan, and in the short period until the Soviets were forced out of the country in

1989 it received aid from both the US Central Intelligence Agency and from the Inter Services Intelligence Directorate (ISI) of Pakistan. After the Soviets' defeat, links remained between the ISI and the LeT even after the CIA withdrew funding...The LeT's overall objective is to Islamise the subcontinent, with a primary aim of 'liberating' Muslims in IAK [Indian-administered Kashmir]. Its declared policy is creation of regional Muslim states – one involving accession of Kashmir to Pakistan, a second formed by the Muslims of North India, and a third formed by the Muslims of South India. The Amir of the LeT called first for a jihad to turn Pakistan into a purely Islamic state and second for the waging of jihad against countries with non-Islamic governments. (And, presumably, against such nations as Shia-ruled Iran.) The Amir cited Chechnya and Afghanistan as models for international jihad. Its main propaganda publication is the monthly magazine Majjala-tul-Dawa, produced under the auspices of Jamaat-ud-Dawa." [36g] (p2-3)

Jane's TIC additionally noted that:

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

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

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

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

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

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

MILLAT-E-ISLAMIA PAKISTAN (See JAMIAT-E-ULEMA- E-ISLAM – JUI)

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

MUTTAHIDA MAJLIS-E-AMAL (MMA)

“Muttahida Majlis-e-Amal (MMA) is an Islamic alliance between religious-political parties in Pakistan. In the Pakistani parliament, the MMA, is a coalition opposition, formed after Pakistan became a part of the ‘Global War on Terror’. The coalition is united against the current government of President Pervez Musharraf because of his support for the United States’ fight against what they consider to be global terrorism and allegedly putting the demands of the United States above the demands of his own people... It is comprised of several Islamic religious organisations:

- “Jamiat Ulema-e-Islam or JUI Maulana Fazlur Rehman faction. The more hardline and traditional Deobandi stream of thinking - with popular appeal amongst clerics and the Pakhtuns and Balochis of NWFP and Balochistan
- Jamiat Ulema-e-Islam or JUI Maulana Samiul Haq faction
- Jamiat Ulema-e-Pakistan or JUP. A traditional Barelvi political party, which is more moderate in its thinking and is popular with traditional and folk Muslims in Pakistani villages in Sindh and Punjab.
- Jamaat-e-Islami is the largest and most organised is the protagonist of the coalition.
- Tehrik-e-Islami the pro-Iran Shia group formerly known as the Tehrik-e-Nafaz-e-Fiqah-e-Jafaria TNFJ.
- Other groups, such as the Ahl-e-hadeeth jamaats of Pakistan have at times been members of the coalition.” (elections.com) [39c]

MOHAJIR QUAMI MOVEMENT (See MUTTAHIDA QUAMI MOVEMENT)

MUTTAHIDA QAUMI MOVEMENT (MQM)

Jane’s Terrorism and Insurgency Centre website – Jane’s TIC – noted that:

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

Jane’s TIC also stated that:

“MQM-A operates as a political party that has formed a part of coalition governments at both federal and provincial levels...The MQM-A rejects religious extremism and has been critical of jihadi groups in Pakistan, as well as the alliance of religious parties, the United Action Front (Muttahida Majlis-e-Amal: MMA). This line is followed by the less

popular MQM-H, which has some supporters who are more militant than those of the MQM-A...It is opposed to extremist religious organisations, especially radical Deobandi and Wahhabi Islamic groups.” [36d] (p2-4)

Jane’s TIC further recorded that:

“MQM-A activists are ranged against rival Mohajir groups, principally the MQM-H with which it competes, successfully, for influence among the Mohajir community. Its militants are also involved in violence with other ethnic groups including the Jiye Sindh Movement, which supports the rights of ethnic Sindhis, and Punjabi and Pashtun militants. The group’s main areas of operation are in Karachi and Hyderabad. The traditional operating areas within Karachi are the Landhi, Korangi and Malir districts. MQM extremists have maintained the tactic of violent riots regardless of the party’s involvement in national and provincial governments, with uprisings being designed to put pressure on these governments by disrupting business activities in Karachi and discouraging foreign investment. The group’s militants have also participated in other acts of political violence including the murder of rival organisation’s leaders, and targeting journals and newspapers considered critical of its activities.” [36d] (p6-7)

PAKISTAN MUSLIM LEAGUE (PML-Q)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. PML (Functional) subsequently split from the party. President Chaudhry Shujaat Hussain. (Europa World Online) [1] (Pakistan Muslim League)

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)

Founded 1993 as a faction of the Pakistan Muslim League (Junejo). (Europa World Online) [1] (Pakistan Muslim League – Nawaz)

PAKISTAN PEOPLE’S PARTY (PPP)

Launched in 1967 by Zulfikar Ali Bhutto, later led by his daughter, Benazir Bhutto, with son Bilwal installed as chairman following her assassination in December 2007.

“Founded on promises of ‘egalitarian democracy,’ the PPP flirted with socialist principles in its early days, gaining a mass popularity that continues to ensure it is among Pakistan’s largest political parties. While the PPP has lost touch with its socialist roots, it remains popular among Pakistan’s oppressed and underprivileged, particularly in the southern province of Sindh, from where the Bhutto family hails.” (CNN, 18 February 2008) [33]

PAKISTAN PEOPLE’S PARTY PARLIAMENTARIANS (PPPP) (See PAKISTAN PEOPLE’S PARTY)

Formed in 2002 in order to meet election requirements in the October 2002 elections. (Europa World Online) [1] (Pakistan People’s Party)

PAKISTAN PEOPLE’S PARTY (SHAHEED BHUTTO GROUP)

Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan. (Europa World Online) [1] (Pakistan People’s Party (Shaheed Bhutto Group))

SIPAH-E-MOHAMMAD (FIGHTERS OF MUHAMMAD)

Shia militant group, banned in 2001 and held responsible for attacks on the Sunni majority. [35j]

SIPAH-E-SAHABA PAKISTAN (SSP – ARMY OF THE COMPANIONS OF THE PROPHET) (See MILLAT-I-ISLAMIA PAKISTAN)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this group, founded in the early 1980s, was:

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

Jane's TIC also recorded that:

“In September 1985 Maulana Haq Nawz Jhangvi, Maulana Zia-ur-Rehman Farooqi, Maulana Eesar ul Haq Qasmi and Maulana Azam Tariq established the Anjuman Sipah-e Sahaba (the Organisation of Warriors of the Prophet's Companions) in Jhang, Punjab, which was later to become the SSP...[The group's aim is] To establish Pakistan as a Sunni Muslim state. The group is opposed to any other forms of Islam and other religions, but has particularly targeted Shias. The group's interim objective is to have Shias officially declared as kafirs (non-believers). During periods of particularly severe violence the group has attacked Iranian targets, because it blames Iran for encouraging Shia Islam in Pakistan...Present leadership of the SSP as such is unknown; were it to be public, those named would be detained under Pakistan's anti-terrorism laws.” [36h] (p3-4)

Jane's TIC further reported that:

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

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

“Its strongholds in Punjab were Jhang, Sargodha, Bahawalpu [sic], Multan and Muzaffargarh, and it also had a number of cells in Lahore – the scene of some of its most high profile attacks – and a strong presence in Karachi. There is evidence that it

tried to resurrect cells in Lahore in January 2004. The SSP allegedly had an overseas presence, with representatives in 17 countries including Saudi Arabia, Bangladesh, Canada, the United Kingdom and France. It still has considerable influence and support in the areas noted above, but no formal organisation. Individuals and small groups of SSP militants continue to operate, either on their own or with the help of the LeJ (also banned). Its foreign offices have ceased to operate.

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

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

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

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

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)

Founded 1996, led by Imran Khan. (Europa World Online) [1] (Tehrik-e-Insaf)

TEHRIK-E-PAKISTAN (TJP)

This Shi’a extremist group was founded 1987 as Tehrik-e-Jafria-e-Pakistan. After its activities were proscribed in January 2002, it subsequently changed its name to Tehrik-e-Pakistan; leader Allama Sajid Ali Naqvi. (Europa World Online) [1] (Tehrik-e-Pakistan)

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

UNITED JIHAD COUNCIL

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

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

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

“JeM was founded and is led by Maulana Masood Azhar who formed the group following his release from an Indian prison in late 1999 as part of an agreement over the ending of a hijack crisis. The LeT is led by Hafiz Mohammed Saeed, former professor of Islamic Studies at the University of Engineering and Technology in Lahore. Al Badar is led by Nasser Ahmed and Bhakat Aaman. HuM is led by Fazl-ul-Rehman Khalil.” [36i] (p2-3)

Jane’s TIC further noted that:

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

[Return to contents](#)
[Go to list of sources](#)

Annex C: Prominent people

List of Federal Ministers provided by [Pakistan Government website](#) (Ministry of Information & Broadcasting) accessed 11 July 2008:

Prime Minister: Syed Yousaf Raza Gillani

Minister for Commerce, Trade and Industry: Shahid Khaqan Abbasi

Minister for Communications, with additional charge of Food, Agriculture and Livestock: Chaudhry Nisar Ali Khan

Minister for Culture, additional charge of Youth Affairs: Khawaja Saad Rafique

Minister for Defence: Chaudhry Ahmed Mukhtar

Minister for Defence Production: Rana Tanveer Hussain

Minister for Education, additional charge Minorities: Ahsan Iqbal

Minister for Environment: Hameed Ullah Jan Afridi

Minister for Finance, Economic Affairs, Revenue and Statistics: Muhammad Ishaq Dar

Minister for Foreign Affairs: Makhdoom Shah Mehmood Qureshi

Minister for Housing and Works: Rehmat Ullah Kakar

Minister for Information and Broadcasting: Sherry Rehman

Minister for Kana and Safron: Qamar Zaman Kaira

Minister for Labour, Manpower and Overseas Pakistanis: Syed Khursheed Ahmed Shah

Minister for Law and Justice: Farooq H. Naik

Minister for Local Government and Rural Development: Haji Ghulam Ahmad Bilour

Minister for Narcotics Control: Nazar Muhammad Gondal

Minister for Petroleum and Natural Resources, additional charge Sports: Khawaja Muhammad Asif

Minister for Population Welfare: Humayun Aziz Kurd

Minister for Ports and Shipping, additional charge Privatisation and Investment: Syed Naveed Qamar

Minister for Railways: Sardar Mehtab Ahmed Khan

Minister for Science and Technology: Tehmina Daultana

Minister for Social Welfare and Special Education: Nawabzada Khawaja Muhammad Khan Hoti

Minister for States and Frontier Regions: Najmuddin Khan

Minister for Water and Power: Raja Pervaiz Ashraf [29e]

AZIZ, Shaukat

Mr Aziz was prime minister from August 2004 to November 2007, when his tenure came to an end and he was replaced by Mohammadmian Soomro. (Commonwealth Secretariat, Head of Government, accessed on 18 January 2008) [67]

BHUTTO, Benazir

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

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

Europa World Online reported that, in April 2001, the Supreme Court nonetheless set aside the corruption conviction and ordered a retrial; in June 2001 she was sentenced in absentia to three years imprisonment for not appearing in court to answer charges of corruption (she was residing in Dubai). [1] (Recent History)

In the BBC News obituary of Ms Bhutto, it reported that “Ms Bhutto returned to Pakistan on 18 October 2007 after President Musharraf signed into law an ordinance granting her and others an amnesty from corruption charges. Observers said the military regime saw her as a natural ally in its efforts to isolate religious forces and their surrogate militants.” The same report continued that Ms Bhutto had engaged in talks with President Musharraf, with a possibility of sharing power. [35s] However on 27 December 2007 Ms Bhutto was killed in a bomb attack as she was leaving an election rally in Rawalpindi. (BBC News, 27 December 2007) [35a]

BHUTTO, Bilawal Zardari

Son of Benazir Bhutto and Asif Ali Zardari, he was appointed chairman of the Pakistan People’s Party (PPP) after his mother’s death in late December 2007. However he is to continue his education in England (Mr Bhutto is 19 years old), while his father and co-chairman of the PPP. Asif Ali Zardari, will effectively run the party. (Daily News, 31 December 2007) [55e]

BHUTTO, Zulfikar Ali

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

GILLANI, Yousaf Raza

Born 9 June 1952 to a family of prominent landowners and spiritual leaders. (BBC News, 24 March 2008) [35f] Gillani served as the National Assembly speaker during Benazir Bhutto's second government from 1993 to 1996 and as a federal minister in Muhammad Khan Junejo's government from 1985 to 1988, and at the time of being elected prime minister he was vice-chairman of the PPP. (*Daily Times*, 23 March 2008) [55k] Elected prime minister on 24 March 2008 after receiving 264 votes in the 342-seat Lower House. (*Daily Times*, 25 March 2008) [55j]

HUSSAIN, Altaf

"Altaf Hussain is the leader of a political party, Muttahida Qaumi Movement formerly known as the Muhajir Qaumi Movement (MQM). Altaf Hussain is currently in exile at London. On December 21, 1991 Altaf Hussain was attacked but he escaped injuries. On January 1, 1992 he fled Pakistan for Saudi Arabia and after one month moved to London, United Kingdom. During 1992 to 1993 Altaf Hussain's brothers and nephews were killed. The 1992 military operation in Karachi forced Altaf Hussain not to return Pakistan, he requested political asylum in United Kingdom. Later he became citizen of United Kingdom." (Elections.com, accessed 10 April 2008) [39d]

JINNAH, Muhammad Ali

The leader of the Muslim League, Muhammad Ali Jinnah, popularly known as Quaid-i-Azam ('Great Leader'), became the first Governor-General of Pakistan but died in 1948. (Europa World Online) [1] (Recent History)

MUSHARRAF, Pervez

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

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

The BBC Timeline of Pakistan, updated on 4 June 2008, reported events of significance during General Musharraf's reign as leader of Pakistan. On 20 June 2001

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

In March 2007, President Musharraf dismissed the Chief Justice of the Supreme Court but four months later in July, after demonstrations, the Supreme Court ruled that the Chief Justice should be reinstated. In October 2007, President Musharraf won the presidential elections but the Supreme Court stated that a winner could not be declared until it had ruled on whether President Musharraf could be both President and the Chief of the Army. In November 2007 President Musharraf declared a state of emergency and again sacked the Chief Justice. Later in the same month, the Supreme Court, having been packed with compliant judges, declared that President Musharraf was eligible to be President. Subsequent to this, President Musharraf stepped down as Chief of the Army and is sworn in as President. (BBC Timeline: Pakistan, 4 June 2008) [35b]

SHARIF, Mohammad Nawaz

“Mian Muhammad Nawaz Sharif was born on December 25, 1949 in Lahore, Punjab, Pakistan. Nawaz Sharif was twice elected as Prime Minister of Pakistan, serving two non-consecutive terms. His first term was from November 1, 1990 to July 18, 1993, and his second term was from February 17, 1997 to October 12, 1999. His party is the Pakistan Muslim League N (Nawaz group). His rule came to an abrupt end following the overthrow of his government by the General Pervez Musharraf-led military coup in 1999 months after the Kargil War.” (Elections.com) [39e] Mr Sharif was allowed to return from exile in November 2007. (BBC Timeline: Pakistan, 4 June 2008) [35b]

UL-HAQ, MOHAMMAD ZIA

“General Muhammad Zia-ul-Haq (August 12, 1924–August 17, 1988) ruled Pakistan from 1977 to 1988. His rule over the country, which lasted eleven years, is the longest to date in the history of Pakistan. Appointed Chief of Army Staff in 1976, General Zia-ul-Haq came to power after he overthrew ruling Prime Minister Zulfikar Ali Bhutto, after widespread civil disorder, in a bloodless military coup d'état on July 5, 1977 and imposed Martial Law. He assumed the post of President of Pakistan in 1978 which he held till his death on August 17, 1988. His reign witnessed the enforcement of strict Islamic law within the country...” (Elections.com, accessed 10 April 2008) [39f]

ZARDARI, Asif Ali

Europa World Online reported that he was Benazir Bhutto’s husband, and was arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities (he was later acquitted on all counts). [1] (Recent History) In July 1996, was controversially appointed to his wife Benazir’s cabinet. [1] (Recent History) He and Benazir were convicted of corruption in April 1999 and sentenced to five years’ imprisonment and disqualified as members of the federal legislature. [1] (Recent History) In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside and ordered a retrial. [1] (Recent History) A BBC news article of 26 January 2006 noted that “Mr Zardari was freed on bail in November 2004 after spending eight years in prison in Pakistan on charges ranging from corruption to murder.” The same article also stated that “Interpol has issued notices for the arrest of ex-Pakistan PM Benazir Bhutto and her husband, Asif Ali Zardari...The ‘red notices’ issued for the couple did not amount to international arrest warrants, Interpol confirmed...Interpol

said it made its decision on the basis of a fresh approach from Islamabad within the last month. The new approach came after a Pakistani court ruled that Ms Bhutto and her husband were fugitives from justice because they had failed to appear in court to answer corruption charges.” [35i]

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

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

[Return to contents](#)
[Go to list of sources](#)

Annex D: List of abbreviations

ACHR	Asian Centre for Human Rights
AHRC	Asian Human Rights Commission
AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRCRP	Human Rights Commission of Pakistan
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Network
JTIC	Jane's Terrorism and Insurgency Centre
MSF	Médecins sans Frontières
NCSW	National Commission on the Status of Women
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
SPARC	Society for the Protection of the Rights of the Child
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

[Return to contents](#)
[Go to list of sources](#)

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[Return to contents](#)