



COUNTRY OF ORIGIN INFORMATION REPORT

PAKISTAN

18 JANUARY 2010

Contents

Please note: Information which has been updated since the last edition of this document is indicated by the use of grey highlighting. A version of the report without highlighting is available from the RDS website at: http://www.homeoffice.gov.uk/rds/country_reports.html

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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 6 December 2009. The 'Latest News' section contains further brief information on events and reports accessed from 7 December to 15 January 2010. The report was issued on 18 January 2010.
- 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.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

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

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Latest News

EVENTS IN PAKISTAN FROM 7 DECEMBER TO 15 JANUARY 2010

- 14 January The Pakistani Taliban denied that their leader, Hakimullah Mehsud, had been killed in a US missile attack in north-west Pakistan. Ten other suspected militants were killed when the missile struck near the Afghan border in South Waziristan.
BBC News, Pakistan Taliban deny US drone strike killed top leader, 14 January 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8458354.stm
Date accessed 15 January 2010
- 11 January A record number of Pakistani civilians and security forces died in militant violence during 2009: 3,021 people were killed in terrorist attacks, up 48 per cent on 2008, according to the Pakistan Institute for Peace Studies.
The Guardian, Pakistan suffers record number of deaths due to militant violence, 11 January 2010
<http://www.guardian.co.uk/world/2010/jan/11/pakistan-militant-violence-death-toll>
Date accessed 15 January 2010
- See also [Reports on Pakistan](#) below
- 11 January Approximately 40 people have been killed in four days of violence between rival political activists in Karachi. The fighting was mostly between the Muttahida Quami Movement and the Pakistan People's Party despite being coalition allies in the federal and provincial government.
Reuters, Pakistani party says won't quit after violence row, 11 January 2010
<http://www.alertnet.org/thenews/newsdesk/SGE60A0CB.htm>
Date accessed 11 January 2010
- 8 January At least eight people were killed in an explosion at a house in Karachi. Police suspected explosives were stored at the house and the dead were believed to be militants.
BBC News, Eight reported killed in Karachi explosion, 8 January 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8447441.stm
Date accessed 11 January 2010
- 5 January Security forces claimed that they had flushed out most of the militants in the Mohmand tribal region, Federally Administered Tribal Areas (FATA).
Dawn, Eighty per cent of Mohmand cleared, says army, 5 January 2010
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-eighty-percent-mohmand-cleared-qs-05>
Date accessed 11 January 2010
- 1 January A suicide bomb attack at a volleyball match in Lakki Marwat, north-west Pakistan, killed at least 93 people.
BBC News, Pakistan volleyball bomb toll climbs to more than 90, 2 January 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8437473.stm
Date accessed 11 January 2010
- 31 December UNHCR welcomed Pakistan's decision to continue extending hospitality to 1.7 million registered Afghan refugees for the next three years.

- UN News Service, UN welcomes Pakistan's protection of registered Afghan refugees, 31 December 2009
<http://www.un.org/apps/news/story.asp?NewsID=33385&Cr=afghan&Cr1=>
Date accessed 11 January 2010
- 28 December The Pakistani Taliban admitted responsibility for a bomb blast in Karachi which killed 43 people.
BBC News, Taliban claim bombing in Karachi, 31 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8434697.stm
Date accessed 8 January 2010
- 27 December Suspected militants blew up the house of a local official in Kurram district, Federally Administered Tribal Areas (FATA), killing him and five members of his family.
BBC News, Pakistan 'militants' kill official and family members, 27 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8431677.stm
Date accessed 8 January 2010
- 26 December An airstrike by Pakistani fighter jets on suspected militant hideouts killed at least ten people in the Orakzai tribal agency, part of the FATA.
BBC News, Pakistani airstrike kills 10 in tribal area, 26 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8430635.stm
Date accessed 8 January 2010
- 26 December A remote-controlled bomb blast near a Muharram [Shi'a holy month] procession in Karachi injured 26 people.
Daily Times, 26 injured in Karachi blast near Muharram procession, 27 December 2009
http://www.dailytimes.com.pk/default.asp?page=2009\12\27\story_27-12-2009_pg1_3
Date accessed 8 January 2010
- 24 December A suicide bomb attack killed at least four people as the bomber denoted his explosives whilst passing through a checkpoint in Peshawar, FATA.
BBC News, Deadly explosion rocks Pakistan city of Peshawar, 24 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8429377.stm
Date accessed 8 January 2010
- 22 December At least three people have been killed after a suicide bomber blew himself up outside the Peshawar Press Club.
BBC News, Blast outside Peshawar press club kills three, 22 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8425769.stm
Date accessed 22 December 2009
- 22 December A judge in Lahore invoked a rarely used Islamic law and ordered two men have their ears and noses cut off, as punishment for doing the same to a woman who they kidnapped after she refused to marry one of them. The two men were also sentenced to life in prison. Similar judgements applying Islamic law made previously have been revoked on appeal
BBC News, Pakistan court orders ears and noses to be cut off, 22 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8425820.stm
Date accessed 22 December 2009
- 18 December The Interior Minister, Rehman Malik, was summoned by a judge to appear before an anti-corruption court. Mr Malik is one of around 250 officials whose corruption and criminal cases have been re-opened.

Those under investigation are barred from leaving Pakistan. On 17 December, Defence Minister, Ahmed Mukhtar, was prevented from travelling to China when he was stopped by immigration officials at the airport.

BBC News, Pakistan minister court summons, 18 December 2009

http://news.bbc.co.uk/1/hi/world/south_asia/8419759.stm

Date accessed 18 December 2009

See also Section 18: [Corruption](#)

18 December A suicide bomber killed at least ten people near a mosque in the district of Lower Dir, North West Frontier Province (NWFP). On the same day, a U.S. drone military airstrike killed six militants after firing four missiles in North Waziristan.

Reuters, Bomber, U.S. drone attack in Pakistan; tension rises, 18 December 2009

<http://uk.reuters.com/article/idUKSGE5BH06X20091218?pageNumber=1&virtualBrandChannel=0>

Date accessed 18 December 2009

17 December President Asif Zardari has been urged to resign by opposition politicians following a Supreme Court ruling declared an amnesty against corruption charges, the National Reconciliation Ordinance (NRO), illegal. "The controversial law granting senior politicians amnesty was brought in by ex-President Pervez Musharraf. The court's move opens the way to possible prosecution for Mr Zardari's political allies, although he is still protected by presidential immunity."

BBC News, Pakistan party demands Zardari resignation, 17 December 2009

http://news.bbc.co.uk/1/hi/world/south_asia/8417561.stm

Date accessed 18 December 2009

See also Section 18: [Corruption](#)

16 December A UN World Food Programme operation, in conjunction with the Pakistan government, whereby cooking oil and wheat are given to primary age students to take home, has increased girls enrolment by 25 per cent and attendance by 62 per cent in schools since 1998.

Reuters, PAKISTAN: Primary school girls bring in the cooking oil, 16 December 2009

<http://www.alertnet.org/thenews/newsdesk/IRIN/8cb0c73b63867c4e6b2df8dae5bce9e1.htm>

Date accessed 16 December 2009

15 December A bomb exploded at Khosa market in Dera Ghazi Khan, South Punjab, killing 21 and injuring at least 60. The blast occurred at a taxi stand near the residence of provincial minister Dost Mohammad Khosa.

Dawn, Blast kills 21 in Dera Ghazi Khan, 15 December 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/04-blast-dg-khan-qs-09>

Date accessed 15 December 2009

13 December Officials claimed that at least 22 militants were killed by Pakistani army troops in Kurram Agency, FATA.

Dawn, Troops kill at least 22 militants in Kurram, 13 December 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-kurram-clashes-qs-06>

Date accessed 14 December 2009

- 12 December A top Al-Qaeda leader, Abu Yahya al-Libi, was killed in a US drone military aircraft attack in South Waziristan, FATA, on 10 December. According to reports, at least 65 similar air strikes have killed approximately 625 people since August 2008.
Daily Times, Top Al Qaeda leader killed in S Waziristan drone strike, 12 December 2009
http://www.dailytimes.com.pk/default.asp?page=2009\12\12\story_12-12-2009_pg7_6
Date accessed 14 December 2009
- 10 December A military spokesman stated that security forces had killed 589 militants in the ongoing military operation in South Waziristan, FATA. Another 45 had been arrested. The spokesman claimed that 79 military personnel had also been killed.
Dawn, Nearly 580 terrorists killed in S. Waziristan, says ISPR, 10 December 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/16-nearly+580+terrorists+killed+in+s.+waziristan+says+ispr-hs-08>
Date accessed 14 December 2009
- 10 December More than 500,000 children have been displaced with their families due to military operations in FATA/NWFP, with at least 130,000 displaced since October by fighting. Hundreds of thousands of children have missed up to a year of school. Whilst thousands of school buildings accommodated Internally Displaced Persons (IDPs), hundreds more have been targeted and destroyed in the fighting.
Internal Displacement Monitoring Centre, IDP News Alert: Pakistan: Displaced children in urgent need of shelter and schools as winter approaches, 10 December 2009
[http://www.internal-displacement.org/8025708F004D31AA/\(httpIDPNewsAlerts\)/9A45DE01C7242D76C12576880039F94D?OpenDocument](http://www.internal-displacement.org/8025708F004D31AA/(httpIDPNewsAlerts)/9A45DE01C7242D76C12576880039F94D?OpenDocument)
Date accessed 15 December 2009
- 9 December Tens of thousands of IDPs who have returned to their homes following the fighting in North West Frontier Province are finding it difficult to resume their normal lives, according to aid agencies. Female-headed households, whose husbands' were killed in the fighting, are faring the worst, as well as those who have lost their crops and livestock.
IRIN, Pakistan: Tough times for returning IDPs, 9 December 2009
<http://www.irinnews.org/Report.aspx?ReportId=87374>
Date accessed 15 December 2009
- 8 December A gun, rocket and suicide bomb attack killed at least 12 people when militants struck the offices of Inter-Services Intelligence in Multan, South Punjab.
BBC News, Pakistan spy agency office attacked in Multan, 8 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8400869.stm
Date accessed 14 December 2009
- 8 December A US drone missile attack killed at least three people when it struck a village near the Afghan border in North Waziristan.
Dawn, Drone attack kills three in North Waziristan, 8 December 2009
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/07-drone-attack-kills-three-in-north-waziristan-ha-01>
Date accessed 14 December 2009

- 7 December Two bomb explosions in the Moon Market area of Lahore killed at least 49 people and injured 130 others. At least ten people were killed and 45 injured when a suicide bomber struck outside the Sessions Court in Peshawar, FATA. A further ten people were injured in Quetta, when an Improvised Explosive Device was detonated.
- Safety and Security, Foreign and Commonwealth Office Travel Advice, updated 8 December 2009
- <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/pakistan?ta=safetySecurity&pg=2>
- Date accessed 14 December 2009**

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 7 DECEMBER AND 15 JANUARY 2010

Asian Human Rights Commission (AHRC), Pakistan Human Rights Report 2009 – The State of human rights in Pakistan in 2009, published 10 December 2009
<http://material.ahrchk.net/hrreport/2009/AHRC-SPR-006-2009-Pakistan-HRReport2009.pdf>

Date accessed 10 December 2009

Pakistan Institute for Peace Studies, Pakistan Security Report (December 2009), published 12 January 2009 <http://san-pips.com/download.php?f=29.pdf>

Date accessed 14 January 2010

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Background Information

1. GEOGRAPHY

- 1.01 Europa World Online, accessed 5 June 2009, 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 Kashmir, which covered 11,639 sq km, and the Northern Areas 72,520 sq km. [1] (**Area and Population**)
- 1.02 Pakistan is divided into four provinces - Balochistan, North West Frontier Province (NWFP), Punjab and Sindh - (Europa World Online, accessed 6 July 2009) [1] (**Area and Population**) and two territories - the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA World Factbook, updated 11 November 2009) [34] (**Government: Administrative divisions**) The FATA are composed of seven tribal agencies - Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan. (USSD Background Note, March 2009) [2g] (**Government**) Pakistani held Jammu and Kashmir is split into two administrative areas: ‘Azad’ (Free) Kashmir and the Northern Areas. (CIA World Factbook, updated 11 November 2009) [34] (**Government: Administrative divisions**)
- 1.03 Pakistan’s population was estimated to have been 167,762,040 in July 2008. (USSD Background Note, March 2009). [2g] (**People**) The 1998 census recorded that 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 5 June 2009) [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, March 2009) [2g] (**Geography**)
- 1.04 The CIA World Factbook, updated 11 November 2009, stated that the languages of Pakistan are “Punjabi 48%, Sindhi 12%, Siraiiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official: lingua franca of Pakistani elite and most government ministries), Burushaski, and other[s] 8%.” [34] (**People: Languages**) As reported on 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](#)
- 1.05 Pakistan’s National Highway Authority provided a map of the highway network across Pakistan <http://www.nha.gov.pk/Map/map.html> (accessed 5 June 2009).

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- 1.06 With regards to Pakistan's telecommunication system, the International Organization for Migration recorded in its Information on Return and Reintegration in the Countries of Origin (IRRICO) factsheet, Pakistan, updated 29 April 2009, that:

"The telecommunications industry is growing in Pakistan with more and more companies getting licensed. Pakistan Telecommunication Company Limited (PTCL) is Pakistan's most reliable and largest converged service carrier providing all telecommunication services – from basic voice telephony to data, internet, video-conferencing and carrier services – to consumers and businesses all over the country. Cellular companies have not only increased in number but have also expanded their operations to the remotest parts of the country with excellent service provision to clients." [85a] (p19-20)

- 1.07 The same source listed the mobile phone companies operating in Pakistan: Mobilink, Ufone, Warid Telecom, Telelor and Zong. [85a] (p19-20)

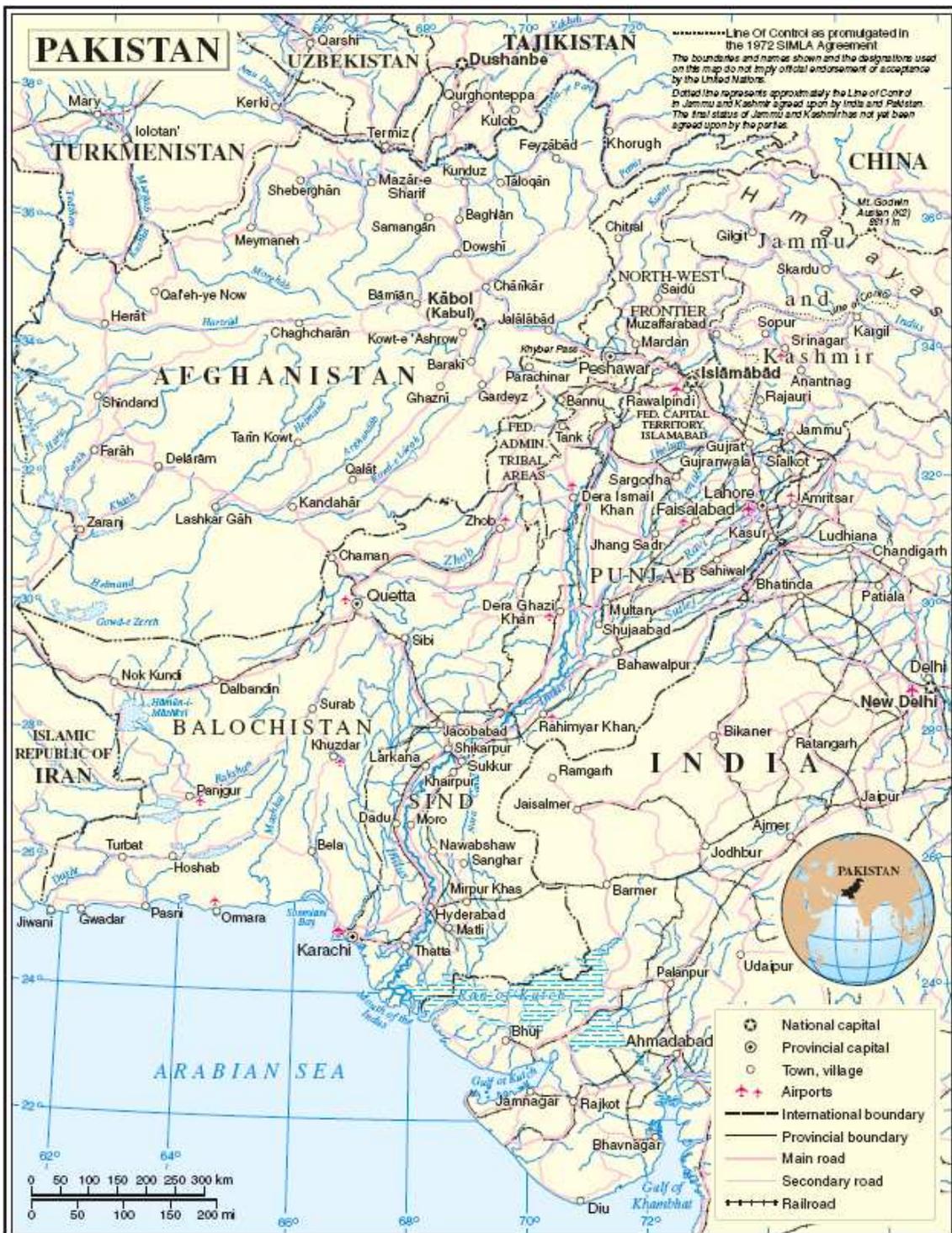
PUBLIC HOLIDAYS

- 1.08 Europa World online, accessed 5 June 2009, listed Pakistan's public holidays. Fixed holiday dates include 23 March (Pakistan Day); 1 May (Labour Day); 14 August (Independence Day); 6 September (Defence of Pakistan Day); 11 September (Anniversary of Death of Quaid-i-Azam); 9 November (Allama Iqbal Day); and 25 December (Birthday of Quaid-i-Azam). Moveable dates that are dependent on the Islamic lunar calendar include Murharram (Islamic New Year); Ashoura; Eid-i-Milad-un-Nabi (Birth of the Prophet); Ramadan; Id al-Fitr (end of Ramadan); and Id al-Adha (Feast of the Sacrifice). [1] (Public holidays)

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MAP

1.09



Map No. 4181 Rev. 1 UNITED NATIONS January 2004

Department of Peacekeeping Operations Cartographic Section

(United Nations Cartographic Section) [82a]

More maps available at ReliefWeb Map Centre: Pakistan <http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&cc=pak&rc=3> and in Section 6:

Political System, for Kashmir, Section 8: Security situation and Section 29: IDPs

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2. ECONOMY

- 2.01 The US Department of State Background Note (USSD Background Note) on Pakistan, dated March 2009, observed that:

“The World Bank considers Pakistan a low-income country. No more than 55.0% of adults are literate, and life expectancy is about 64 years... Low levels of spending in the social services and high population growth have contributed to persistent poverty and unequal income distribution. Pakistan's extreme poverty and underdevelopment are key concerns, especially in rural areas. In October 2008 Pakistan entered into a 23-month Stand-By Arrangement with the IMF [International Monetary Fund] in order to keep the country solvent and to support its foreign exchange reserves, which fell to precariously low levels... Pakistan's economy remains vulnerable to external and internal shocks due to internal security concerns and global financial crises. The country also continues to struggle with reforms, having mixed success, especially in reducing its budget and current account deficits.” **[2g] (Economy)**

- 2.02 As recorded by the Human Rights Commission of Pakistan (HRCP) in its State of Human Rights in 2008 report (HRCP Report 2008), published 1 April 2009, “Almost half of Pakistan's 165 million people lived directly below or just at the poverty line.” **[27e] (Children)**

- 2.03 Pakistan's Gross Domestic Product (GDP) growth for the fiscal year (July to June) 2008/09 was at a provisional 4.3 per cent. (The Economist Intelligence Unit (EIU) Pakistan Country Report, July 2009) **[75]** According to the World Bank (figures for 2007) the Pakistan GDP was US\$143.6 billion, with a Gross National Income (GNI) per capita of US\$870. **[89]** Unemployment was estimated at 13.6 per cent for 2008. (CIA World Factbook, updated 11 November 2009) **[34]**

- 2.04 The USSD Background Note, dated March 2009, reported that:

“Agriculture accounts for about 21% of GDP and employs about 42% of the labor force. The most important crops are cotton, wheat, rice, sugarcane, fruits, and vegetables, which together account for more than 75% of the value of total crop output. Despite intensive farming practices, Pakistan remains a net food importer. Pakistan exports rice, fish, fruits, and vegetables and imports vegetable oil, wheat, cotton (net importer), pulses, and consumer foods... Pakistan's manufacturing sector accounts for about 19% of GDP. Cotton textile production and apparel manufacturing are Pakistan's largest industries, accounting for about 51.4 % of total exports. Other major industries include food processing, beverages, construction materials, clothing, and paper products.” **[2g] (Economy)**

- 2.05 The HRCP Report 2008 recorded that enactments amended through the Finance Act 2008 included the Minimum Wages for Unskilled Workers Ordinance, 1969, where the minimum wage was raised from Rs 4,600 to Rs 6,000 per month. The monthly pension was also raised from Rs 1,500 to Rs 2,000. **[27e] (p12: Laws and law-making)**

- 2.06 The FCO country profile of Pakistan, last reviewed on 1 October 2009, observed that as of 11 August 2009 the average exchange rate was £1 = 137.90 PKR (Pakistan Rupee). **[11b] (Economy)**

3. HISTORY

- 3.01 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published on 16 July 2009, 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 on 1 October 2009, 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] PPP (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 5 June 2009, 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)

- 3.04 The same source 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 2009* Country Report noted that:

“... the separatist Baluchistan Liberation Army (BLA) has routinely attacked infrastructure and development projects since early 2005, while local tribal leaders demand greater political autonomy and control over the province’s natural resources. The army in turn has stepped up counterinsurgency operations, leading to human rights violations and the displacement of thousands of civilians. In 2006, the government declared the BLA a terrorist group...” [19a]

See also Section 8: Security situation: [Balochistan](#)

- 3.05 Europa World Online, accessed 5 June 2009, 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)

- 3.06 The same source noted that “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](#)

- 3.07 The Freedom House *Freedom in the World 2009* Country Report on Pakistan noted that in March 2007, fearing an activist judiciary could threaten his reelection bid, President Musharraf suspended Supreme Court chief justice, Iftikhar Chaudhry. This action sparked protests by lawyers and led to politically charged clashes in Karachi in May which left 40 dead. In July, the Supreme Court ruled against President Musharraf, and Mr Chaudhry was reinstated as chief justice. [19a]

- 3.08 In October 2007 a PML-Q dominated parliament reelected Mr Musharraf president for a third time. However following the elections the Supreme Court announced that it would rule on the legitimacy of the election, which prompted President Musharraf on 3 November to impose martial law, remove much of the higher judiciary and introduce a state of emergency. In addition “More than 6,000 civil society activists, political leaders, and lawyers and judges were arrested soon after the declaration [of the state of emergency], although the vast majority were released after short periods of detention”..By mid-December the state of emergency was lifted although some rights of expression and assembly remained suspended. Freedom House noted “Following the December 27 assassination of former prime minister [Benazir] Bhutto, who had returned from exile in October, parliamentary elections planned for early January 2008 were postponed until February 18 [2008]. Shortly after her death, Bhutto’s widower Asif Ali Zardari assumed de facto leadership of the PPP.” [19a]

- 3.09 In its country profile of Pakistan, last updated on 1 October 2009, 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)

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POLITICAL EVENTS IN 2008

- 3.10 The US Department of *State Country Report on Human Rights Practices 2008* (USSD Report 2008), published 25 February 2009, stated in its introduction for Pakistan that:

“During the year [2008], civilian democratic rule was restored in the country. President Asif Ali Zardari, widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became head of state on September 6, replacing former President Pervez Musharraf, who resigned on August 18... The PPP and its coalition partners at year's end controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Of the 13 Supreme Court justices whom then President and Chief of Army Staff Musharraf dismissed in November 2007, by year's end the new government had reinstated five under a fresh oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Iftikhar Chaudhry.” [2k]

See also Section 11: Judiciary: [Independence and Fair trial](#)

- 3.11 With regard to the elections, the same source stated that “International observers noted that parliamentary elections on February 18, while flawed, were competitive and reflected the will of the people. The election brought to power former opposition parties, led by the PPP, in a coalition government; the national parliament elected Yousuf Gilani as prime minister and head of government on March 24...” [2k] (Introduction)
- 3.12 Following the parliamentary elections, the Pakistan People's Party (PPP) won 87 seats in the National Assembly. The Pakistan Muslim League – Nawaz (PML-N) secured 67 National Assembly seats, whilst the former ruling party, the Pakistan Muslim League – Quaid-e-Azam (PML-Q), won only 41 seats. The Mutahidda Qaumi Movement (MQM) gained 19 seats. (FCO Country Profile, 1 October 2009) [11b]
- 3.13 On 9 March 2008, the PPP and PML-N signed a power-sharing agreement to form a coalition government. 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 the PPP in the NWFP Assembly. (Geo TV, 5 March 2008) [45a] The Jamiat Ulema-e-Islam, also decided to join the PPP to form part of coalition governments both in the National Assembly and the provincial Balochistan Assembly. (Geo TV, 9 March 2008) [45b]

- 3.14 On 25 August 2008, the Pakistan Muslim League – Nawaz (PML-N) pulled out of the five-month old coalition government. PML-N leader, Nawaz Sharif, cited the dispute over the reinstatement of the sacked judges as one of the reasons for his decision and blamed PPP co-chairman, Asif Zardari, for breaching some of the agreements he had made in recent months. (*Daily Times*, 26 August 2008) [55c]
- 3.15 On 9 September 2008 Asif Ali Zardari was sworn in as Pakistan's new President. (BBC News, 9 September 2008) [35d] Mr Zardari won 481 out of the 702 votes received from the National Assembly, the Senate and the four provincial assemblies at the presidential elections held on 6 September. Saeeduz Zaman Siddiqui, backed by the PML-N, received 153 votes, whilst PML-Q-backed candidate, Mushahid Hussain, received 44 votes. (*Daily Times*, 7 September 2008) [55d]

See also Section 4: [Recent developments](#)

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4. RECENT DEVELOPMENTS

POLITICAL EVENTS IN 2009

4.01 Jane's reported in its section on Internal Affairs, updated 23 July 2009, that:

"In February 2009, the Supreme Court disqualified both Nawaz and Shahbaz Sharif from holding elected office, ostensibly due to past corruption charges. Shahbaz was forced to step down as chief minister of the Punjab and Zardari imposed Governor's Rule over the Punjab province. The Sharifs claimed the Supreme Court's ruling was politically motivated and intended to extend the PPP's influence over Punjab, Pakistan's wealthiest and most populous province. The episode triggered the 'long march', which ended before the protest was due to culminate in the capital Islamabad. In a major victory for Nawaz, [President] Zardari was compelled to reinstate former chief justice Iftikhar Chaudhry. Governor's Rule in Punjab was lifted, and the PML-N was able to resume governing there." [36g] (**Pakistan Muslim League – Nawaz (PML-N)**) Iftikhar Chaudhry was formally reinstated to the post of Supreme Court Chief Justice at midnight on Saturday, 21 March 2009. (BBC News, 22 March 2009) [35n]

See also Section 16: [Freedom of Speech and media](#) and Section 11: [Judiciary](#)

4.02 On 26 May 2009, BBC News reported that the ban preventing Nawaz Sharif from running for political office was overturned by the Supreme Court, allowing Mr Sharif to stand in future parliamentary or by-elections. [35t]

4.03 Human Rights Watch (HRW) recorded on 15 April 2009 that "On April 13, 2009, President Asif Ali Zardari signed an ordinance imposing Sharia law in the Swat valley and effectively empowering the Taliban and other groups, there and in surrounding areas of the Provincially Administered Tribal Areas (PATA)." [13f] The PATA includes, amongst others, the districts of Chitral, Dir and Swat, and the Malakand Protected Area. (Constitution of Pakistan, Part XII, Chapter 3 – Tribal areas) [13a] HRW continued:

"President Zardari signed the 'Nizam-e-Adl' (system of justice) ordinance after Pakistan's parliament unanimously passed a resolution recommending the measure. The ordinance followed the peace deal signed by the government of Pakistan's North West Frontier Province (NWFP) with the Taliban to end hostilities in the area between Pakistan and the Tehreek-e-Taliban Pakistan (TTP), the Pakistani Taliban, which have been ongoing since the summer of 2007. The provincial government, led by the ostensibly secular Awami National Party (ANP), concluded the agreement with Sufi Mohammad, leader of the Tehreek-e-Nifaz-e-Shariat-Mohammad (TNSM), a Taliban affiliate." [13f]

4.04 Jane's recorded in its section on Security in Pakistan, updated 8 September 2009, that the vote for the ordinance "... took place in a tense atmosphere, with members of parliament having been threatened openly and covertly by the Taliban and TNSM. The only national party to take a stand against the regulation was the Karachi-based United National Movement (Muttahida Quami Movement: MQM)." [36d] (**Security: Religious Militant**)

- 4.05 Regarding the new ordinance, the BBC News Country Profile for Pakistan, updated 5 October 2009, noted that “Far from improving security, this move allowed the Taleban [Taliban] to tighten their grip on the region, and the agreement broke down after only a few weeks.” [35r]
- 4.06 Reporting on the Nizam-e-Adl Regulation (also referred to as ordinance) (NAR), the US State Department’s International Religious Freedom Report (USSD IRF Report) 2009, published 26 October 2009, observed that:
- “The deal was signed with the expectation that local militants would disarm in return for the implementation of Shari’a through the NAR. After the President signed the NAR, however, the militants refused to disarm, and extended their patrols to Buner District of the Malakand Division. Amid growing incidents of violence by the militants, the army launched a military operation on April 26, 2009, resulting in the largest mass migration in the country’s history since partition and clearing much of the territory claimed by the Taliban.” The same source added that despite Malakand being back in control of the NWFP government at the end of the reporting period (July 2008 to June 2009), the NAR had not yet been implemented. [2n] (Section II: Legal/Policy Framework)
- 4.07 The Economist Intelligence Unit (EIU) recorded in its Country Report for Pakistan, dated 13 August 2009, that:
- “On July 31st the Supreme Court ruled that the state of emergency declared in 2007 by the then president, Pervez Musharraf, was illegal. Mr Musharraf declared a state of emergency on November 3rd 2007, apparently largely in response to the poor internal security situation but also citing increasing judicial interference in government policy... The Supreme Court’s July ruling states that since the state of emergency was unconstitutional, all actions taken under it were illegal and unconstitutional.” [75c]
- 4.08 The EIU recorded in its Country Report for Pakistan, dated 4 September 2009, that, following the the above ruling, the:
- “Pakistan Muslim League (Nawaz), or PML (N), has asked the Supreme Court to direct the government to try Mr Musharraf for treason based on his imposition of emergency rule in November 2007... A trial would require Mr Musharraf’s extradition to Pakistan from the UK, where he is currently living under the protection of the Pakistani government. If the trial were to go ahead and Mr Musharraf were to be convicted, he could face the death penalty or life imprisonment.” [75b] (The Political Scene)
- 4.09 Pakistan’s Religious Affairs minister, Hamid Saeed Kazmi, was shot and wounded whilst leaving his office in Islamabad on 2 September 2009. Mr Kazmi’s driver was killed and a security guard injured in the shooting by unidentified gunmen, who escaped on a motorbike. Kazmi is a cleric and outspoken critic of the Taliban. (Reuters news, 2 September 2009) [17d] Three people suspected of being involved in the attack were arrested on 15 September 2009. (*Dawn*, 15 September 2009) [42c]
- 4.10 The same source reported on 6 November 2009 that “On October 17th [2009] Pakistan’s military began a ground offensive called ‘Path to Salvation’ in South Waziristan, the district in the Federally Administered Tribal Areas (FATA) that is the stronghold of Tehrik-i-Taliban Pakistan...” [75e] (The Political Scene)

- 4.11 On 24 November 2009 Agence France-Presse (AFP) reported that the Pakistan government had "...unveiled a package of reforms in a bid to ease a separatist insurgency in Baluchistan on the Afghan and Iranian borders, and maximise efforts on fighting the Taliban." Addressing parliament, Prime Minister Yousuf Raza Gilani said that "The package will give people their political and economic rights in Baluchistan..." A Presidential spokesman stated that the Balochistan Empowerment Package "...contains a series of constitutional reforms, economic measures and administrative steps to assuage the hurt feelings of the people of Baluchistan." [96c]
- 4.12 However, Reuters reported on 25 November 2009 that Baloch opposition leaders and separatist rebels alike had dismissed the government's proposals as insufficient and demanded greater autonomy for the region. [17e]

For more information on the Baloch see Section 20: Ethnic groups: [Baloch](#)

- 4.13 A Pakistan court has charged seven people in connection with the attacks on Mumbai, India, which occurred in November 2008, killing over 170 people. Those charged included Zaki-ur-Rehman Lakhvi, leader of the banned militant group Laskar-e-Taiba and alleged mastermind of the attacks. All seven defendants pleaded not guilty to charges under the anti-terrorism acts and criminal code. (BBC News, 25 November 2009) [35f]

For further details of the security situation and militant activities in FATA, NWFP and Balochistan see [Section 8: Security situation](#).

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5. CONSTITUTION

5.01 Europa World Online, accessed 5 June 2009, noted that:

“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.pakistanconstitution-law.com/theconst_1973.asp [29n]

5.03 *Dawn* reported on 3 December 2009 that Prime Minister Yousuf Raza Gilani said that “...the government would soon repeal the Article 58(2)b and the 17th Amendment [which empowers the president to dissolve the government and the parliament] and implement the Charter of Democracy in letter and spirit. ‘We want to restore the 1973 Constitution in its original shape because it is a solution to all problems confronting the nation,’ he added.” [42g]

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6. POLITICAL SYSTEM

FEDERAL LEGISLATURE

- 6.01 Europa World Online, accessed 8 September 2009, stated that “The Federal Legislature consists of the President, a lower and an upper house.” The same source noted that “The Legal Framework Order [LFO], promulgated by the President in August 2002, increased the number of seats in the Senate [upper house] from 87 to 100.” In accordance with the LFO “... the National Assembly [lower house] increased from 217 to 342, with 60 seats reserved for women and 10 for non-Muslims. Also incorporated in the LFO was a reduction in the National Assembly’s term of office by one year to four.” [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 terms of the Constitution state “The President.-(1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic. (2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.” [29n] The US State Department’s International Religious Freedom Report (USSD IRF Report) 2009 noted “All senior officials, including members of Parliament, must swear an oath to protect the country’s Islamic identity.” [2n] **(Section II: Legal/Policy Framework)**
- 6.03 The Human Rights Commission of Pakistan (HRCP) noted in its report, *The State of Human Rights in 2008* (HRCP Report 2008), published 1 April 2009, that “A Muslim member of the Parliament is qualified only if s/he is ‘not commonly known as one who violates Islamic Injunctions’. Muslim parliamentarians must have ‘adequate knowledge of Islamic teachings’ and Islam.” [27e] **(p74, Freedom of thought, conscience and religion)**

PROVINCIAL GOVERNMENTS

- 6.04 Each of the four provinces has a Governor appointed by the President; each province also has a provincial legislature consisting of the Governor and the Provincial Assembly. The Chief Minister of each provincial government is appointed by the Governor. (Europa World Online, accessed 5 June 2009) [1] **(Provincial Government)**
- 6.05 The USSD Background Note on Pakistan, March 2009, 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] **(Government and Political Organization)**

(See [Pakistan-occupied Kashmir](#) and [Northern Areas](#) below)

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PAKISTAN-OCCUPIED KASHMIR (AZAD KASHMIR)

- 6.06 The Freedom House *Freedom in the World 2009* Country Report on Kashmir [Pakistan], published 16 July 2009, stated that:

“When British India was partitioned into India and Pakistan in 1947, the Hindu maharajah of Jammu and Kashmir tried to maintain his principality’s independence, but he eventually ceded it to India in return for autonomy and future self-determination. Within months, India and Pakistan went to war over the territory. As part of a ceasefire in January 1949 that established the present-day boundaries, Pakistan gained control of roughly one-third of Jammu and Kashmir, but unlike India, it never formally annexed its portion. 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]

- 6.07 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) also noted that:

“Azad Kashmir is subject to its own constitution, which allows for a legislative assembly and a prime minister but prohibits parties and candidates from contesting elections if they do not support Kashmir’s accession to the country, according to a 2006 HRW report. Despite nominal representation for Azad Kashmir, the federal government in fact controls significant decision-making in the area, according to HRW’s report. Under the Kashmiri constitution, authority over 52 critical policy areas is ceded to the Azad Kashmir Council in Islamabad, whose composition favors the federal government numerically. The federal government also can dismiss arbitrarily the elected Kashmiri legislative assembly.” [2] (Section 3)

Line of Control

- 6.08 Europa World Online, accessed 5 June 2009, recorded that:

“...since 1949, a cease-fire line, known as the Line of Control (LoC), has separated Indian-controlled Kashmir (the state of Jammu and Kashmir) and Pakistani Kashmir, which comprises Azad (Free) Kashmir and the Northern Areas. While Pakistan demanded that the sovereignty of the region be decided in accordance with earlier UN resolutions (which advocated a plebiscite in both parts of the region), India argued that a solution should be reached through bilateral negotiations.” [1] (Recent History)

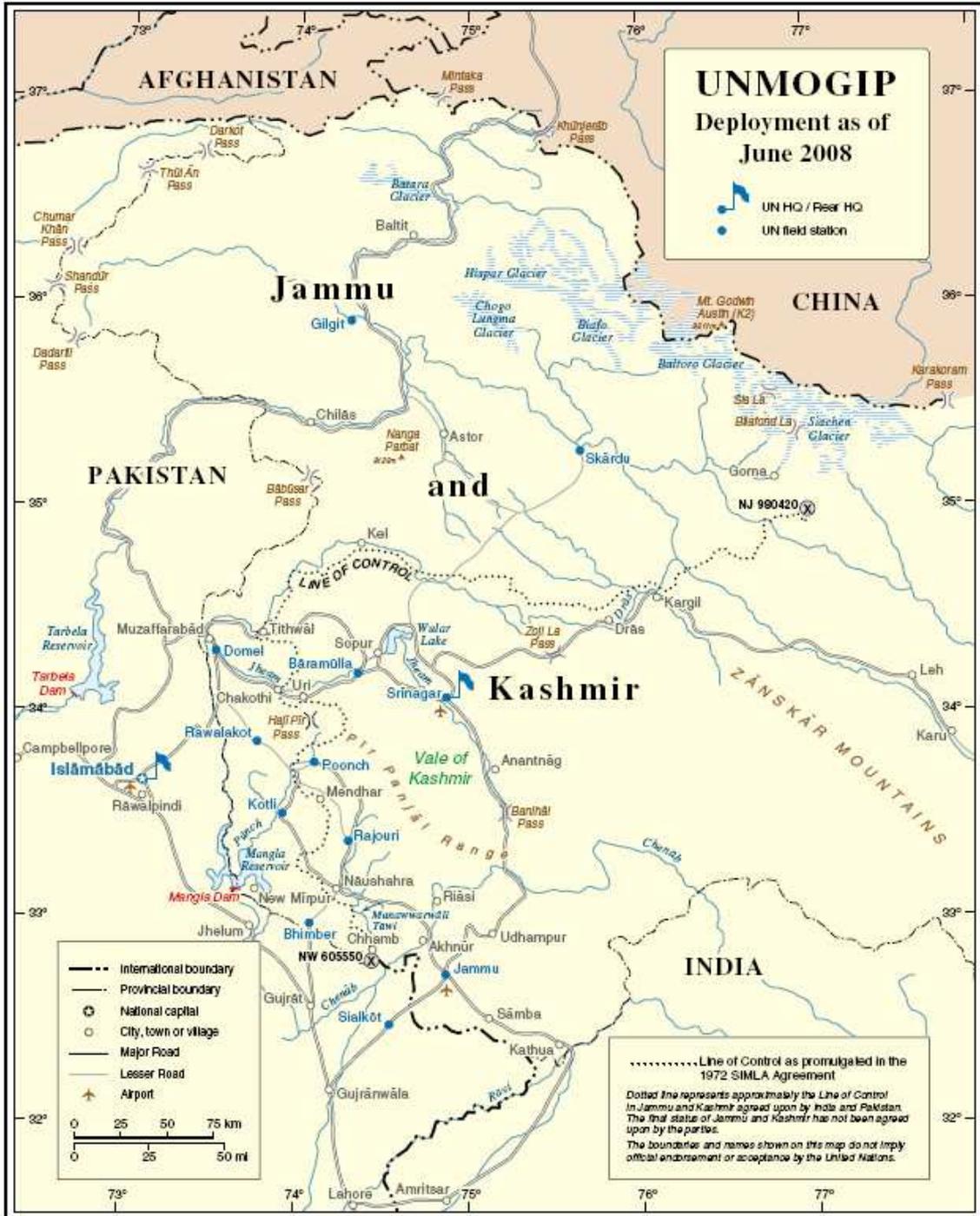
- 6.09 BBC News reported on 6 November 2008 that:

“The LoC divides Kashmir on an almost two-to-one basis [in relation to land area]: 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]

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Map

6.10 Map dated June 2006 showing Line of Control



Map No. 3628 Rev. 12 UNITED NATIONS June 2008

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(United Nations Cartographic Section) [82b]

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Recent events

6.11 *The South Asia Intelligence Review (SAIR)*, published by the South Asia Terrorism Portal (SATP), dated 29 June 2009, stated that “A Taliban suicide bomber killed two soldiers on June 26, 2009 when he blew himself up near an army vehicle in Pakistan occupied Kashmir (PoK), in the first such attack in PoK. The military said in a statement that three other soldiers were injured in the early morning bombing in Muzaffarabad, the capital of PoK...” [61f] (Volume 7.51)

6.12 Reporting on the same incident, BBC News noted on 26 June 2009 that the Pakistani Taliban claimed responsibility for the attack and stated it was an attempt to prove that Pakistani Taliban leader, Baitullah Mehsud, had not been weakened by the recent military offensive against the Taliban. [35i]

For further information on security and militant activities see Section 8: [Security Situation](#)

6.13 The Freedom House *Freedom in the World 2009* Country Report on Kashmir [Pakistan] stated that:

“Talks between India and Pakistan over the ultimate status of Kashmir, as well as other confidence-building measures, have occurred regularly since a ceasefire was instituted in 2003. A bus service across the Line of Control (LOC) was launched in 2005, linking the capitals of Indian and Pakistani Kashmir and allowing some Kashmiri civilians to reunite with family members. In 2008, talks and periodic high-level meetings continued for much of the year, but little progress was made toward a comprehensive resolution to the dispute, particularly after Pakistani militants were deemed responsible for a November 2008 terrorist attack on the Indian city of Mumbai.” [19b]

6.14 The same source noted that:

“The political rights of the residents of Pakistani-administered Kashmir remain severely limited, despite a number of improvements tied to the end of military rule and the election of a civilian government at the federal level in February 2008. 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]

See subsection below: [Northern Areas](#)

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NORTHERN AREAS

6.15 The Economist Intelligence Unit (EIU) noted in its Country Report for Pakistan, dated 4 September 2009, that:

“On August 30th the government approved an order allowing an element of self-government by the Northern Areas. Until now the region has been ruled by the federal government, under the direct jurisdiction of the president. The

region has long sought clarity regarding its constitutional status within Pakistan, but the issue is complicated by Pakistan's long-standing territorial dispute with India. India does not recognise Pakistan's claim to the Northern Areas, insisting that the region is part of the Indian state of Jammu and Kashmir. The Pakistani government has thus been unable to grant the region full provincial status, for fear that this would provide India with a justification for formalising its own claim to areas that it administers but which are claimed by Pakistan (including Jammu and Kashmir, the only state in India to have special autonomy).

“The Gilgit-Baltistan Empowerment and Self Governance Order of 2009 gives the region, now renamed Gilgit-Baltistan, ‘internal autonomy’, but stops short of granting it the same status as Pakistan’s four main provinces. Nevertheless, the role of chief executive of the region has been elevated to the same level as that of provincial chief minister. A local assembly will be allowed to introduce legislation on most subjects apart from defence, budgetary affairs and foreign affairs; these matters will still be decided in Islamabad. The fact that the region will not have control over budgetary matters has alienated some locals, who have demanded greater autonomy...” [75b] (**The Political Scene**)

- 6.16 Elections took place for the first Gilgit-Baltistan Assembly on 12 November 2009. (*Dawn*, 12 November 2009) [42e] The Election Commission of Pakistan released the results of 21 out of 23 constituencies and confirmed that the Pakistan People’s Party (PPP) had gained 11 seats, the Pakistan Muslim League – Nawaz (PML-N) won two seats, the Pakistan Muslim League – Quaid-e-Azam (PML-Q) secured two seats, independent candidates took four seats, and the Jamiat Ulema-e-Islam (JUI-F) and the Mutahidda Qaumi Movement (MQM) got one seat each. (Elections.com, 16 November 2009) [39e]
- 6.17 Following the elections, the Human Rights Commission of Pakistan (HRCP) reported on 12 November 2009 that its observers’ mission had:
- “... expressed satisfaction over the relatively peaceful conclusion of the Gilgit-Baltistan elections and appreciated the enthusiastic turnout of voters. At the same time, HRCP expressed its sorrow over the few incidents of violence which resulted in the death of two persons and injuries to at least 40 others. The mission has also regretted that the entire electoral process was marred by flaws caused by haste in holding the polls and inadequate preparations. Besides, the pre-poll climate had been considerably vitiated by government efforts to lure voters with relief and development packages.” [27c]

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Human Rights

7. INTRODUCTION

- 7.01 Reporting on events during 2008, the Human Rights Watch World Report 2009 (HRW Report 2009) noted for Pakistan that:

“Since the civilian government came to power [in February 2008], civil and political rights protections have improved. Media restrictions have been revoked, opposition rallies and demonstrations have been allowed to proceed without government hindrance or violence, and military personnel have been withdrawn from civilian administrative and political positions. The government has emphasized dialogue to resolve the political dispute between the federal government and Balochistan province and to extend meaningful political rights to the troubled tribal areas bordering Afghanistan.

“While the new government has been keen to promote civil liberties and human rights, its rhetoric has not always been matched by action. Ongoing structural concerns include lack of an independent judiciary and fair trials; mistreatment, torture, and unresolved enforced disappearance of terrorism suspects and opponents of the previous military government; military abuses in operations in the tribal areas; the failure to commute death sentences; and legal discrimination against and mistreatment of religious minorities and women.” [13a]

- 7.02 In its introduction on human rights in Pakistan the US State Department Country Report on Human Rights Practices 2008 for Pakistan (USSD Report 2008), published 25 February 2009, observed that:

“Despite some improvements after the state of emergency at the end of the previous year, the human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. There were also instances in which local police acted independently of government authority. Collective punishment was a problem particularly in the Federally Administered Tribal Areas (FATA), which falls under the legal framework of the Frontier Crimes Regulation (FCR). 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. Although implementation of the 2006 Women’s Protection Act somewhat improved women’s rights, rape, domestic violence, and abuse against women remained serious problems. Honor crimes and discriminatory legislation affected women and religious minorities respectively. Religious freedom violations and inter-sectarian religious conflict continued. Widespread trafficking in persons, child labor, and exploitation of indentured and bonded children were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.” [2k] (Introduction)

- 7.03 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, noted that “Despite substantial openings in the

political environment during the year, a range of human rights abuses – including arbitrary arrests, harassment of journalists, and violations of women’s and minority rights – continued to be a concern. In addition, as Islamist militants extended their influence in the country, terrorist violence escalated dramatically.” [19a] (Overview)

7.04 In their South Asia Human Rights Violators Index 2008, published 1 August 2008, the Asian Centre for Human Rights (ACHR) ranked Pakistan the fourth worst human rights violator in South Asia, out of a total of seven countries [67b] (p13) The ACHR noted that:

“Pakistan has been ranked No.4 human rights violator in South Asia because of the suppression of political freedom and attacks on political opponents, violations of the right to life and large scale enforced disappearances, failure to establish a National Human Rights Institution, attacks on the press through the Pakistan Electronic Media Regulatory Authority, appalling conditions of women and children, and Pakistan simply being a dangerous place for the religious minorities.” [67b] (p65)

7.05 Pakistan has signed and in some cases ratified a number of international human rights instruments, including:

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Convention on the Elimination of All Forms of Discrimination Against Women;
- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- International Covenant on Civil and Political Rights in April 2008. (UNHCR, Treaty Body Database, accessed 1 June 2008) [20a]

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8. SECURITY SITUATION

OVERVIEW

See [Latest news](#) for more recent information.

- 8.01 Jane's Sentinel Country Risk Assessment of Pakistan, Executive Summary; Security Threats, updated 8 September 2009, observed that:

"The most pressing threat to stability is the continuation of extremist violence in spite of many successful operations against various groups. A series of incidents have highlighted the deterioration in the security environment and the growing symbiotic relationship between Punjabi-based and tribal-based jihadist organisations: most notably the 20 September 2008 attack on the Marriott Hotel, a series of high-profile attacks in Lahore since March 2009 and the attack on Peshawar's Pearl Continental Hotel in June 2009. Tension along the Afghan border, primarily in the tribal areas, has greatly increased, and since last year the army has launched a series of major military offensives beginning with Bajaur in late 2008 and an ongoing operation in Swat and neighbouring districts... A continuing low-level insurgency in Balochistan poses another key security concern. Externally, India is considered the main threat. Evidence of Pakistani involvement in the 26 November 2008 attacks on Mumbai has threatened the five-year process of gradual rapprochement and economic dialogue between the two countries, which could stagnate in the event of further attacks. Placating the US is the country's most immediate external problem and the relationship has been complicated by an escalation of fighting between the Pakistan Army and Pakistani Taliban militants in the tribal areas, as a result of the latter's spreading influence in the North West Frontier Province (NWFP) and increased frequency of US unmanned aerial vehicle attacks. The limited tactical results achieved by these drone attacks have been overshadowed by the negative impact they have had on public opinion as a result of civilian casualties. However, they are set to continue and broaden in geographical scope given the lack of US access to the northwest region." [36a] (Executive Summary; Security threats)

- 8.02 The Human Rights Watch World Report 2009 (HRW Report 2009), covering 2008 events, noted that "Pakistan was rocked by a spate of suicide bombings in 2008 that targeted the political and military elite of the country and the symbols of its power. The most high-profile attack took place on September 20 in Islamabad, destroying the Marriot Hotel, killing 54, and injuring hundreds. The attack came just hours after President Zardari had delivered his first address to a joint session of parliament." [13a] (Terrorism, Counterterrorism and "Disappearances")

- 8.03 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted, for Pakistan, that during 2008:

"Military operations in the FATA and the Northwest Frontier Province (NWFP) killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country, most notably in Kurram Agency, killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating

number of internally displaced persons (IDPs), but at year's end there were an estimated 200,000 IDPs in the NWFP and FATA. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons." [2k] (Introduction)

For more recent figures on IDPs see Section 29: [Internally Displaced Persons](#)

8.04 On 12 March 2009, with regards to domestic terrorism in Pakistan, Britain's Foreign Secretary, David Milliband, was reported as saying that "The situation in Pakistan is extremely dangerous. I would say it's very grave. I think Pakistan faces a mortal threat... from domestic terrorism." (Foreign and Commonwealth Office News, 13 March 2009) [11k]

8.05 The South Asian Terrorism Portal's (SATP) Pakistan Assessment 2009, covering conditions in Pakistan for 2008, noted that:

"A wide array of militant groups is currently engaged in varying degrees of violence and subversion across the country. A cursory look at the map indicates that the North West Frontier Province (NWFP), the Federally Administered Tribal Areas (FATA), and Balochistan are witnessing large-scale violence and insurrections. Violence also increasingly afflicts parts of Punjab, Sindh, and the Gilgit-Baltistan region. Islamabad's writ is thus being challenged vigorously - violently or otherwise - in wide geographical areas, and on a multiplicity of issues. More than half of the territory presently under Pakistan's control, including Gilgit-Baltistan and 'Azad Jammu and Kashmir', has passed outside the realm of civil governance and is currently dominated essentially through military force." [61b]

8.06 The SATP recorded in section on casualties of terrorist violence that 2,307 civilians, 1,011 security force personnel and 8,267 terrorists were killed in terrorist violence across Pakistan in 2009. [61g] The same source noted that there were 78 suicide attacks in 2009 compared with 59 in 2008. [61h]

For more information about militant activity in NWFP and FATA and the Government's response see subsections on [NWFP](#), [FATA](#) and [Pakistani Taliban below](#).

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US airstrikes

8.07 Reporting on air strikes over areas of Pakistan by the US Air Force, Reuters reported on 20 November 2009 that:

"The United States has carried out 46 drone air strikes in northwestern border regions this year, killing about 415 people, including many foreign militants, according to a tally [of] reports from Pakistani officials and residents. In 2008, there were 32 strikes, 24 of them in the last four months of the year, that killed about 240 people. U.S. attacks on the Pakistani Taliban in their South Waziristan stronghold picked up after the Pakistani government ordered a military offensive against them in June [2009]. But there have been no missile strikes in South Waziristan since the Pakistani army launched the offensive on Oct. 17 [2009]." The attacks have taken place in an attempt to flush out militants from their sanctuaries in Pakistan's northwestern borders with Afghanistan. Pakistan denies giving permission for the US to carry out these

attacks. Reuters added that “Pakistan officially objects to the U.S. drone strikes, saying they violate its sovereignty. It also worries the strikes could undermine efforts to deal with militancy because the civilian casualties inflame public anger and bolster support for the fighters. Pakistan has pressed the United States to provide it with drones to allow it to conduct its own attacks.” [17c]

8.08 On 4 December 2009 Reuters further reported that:

“The White House has authorised the expansion of the CIA's drone programme in Pakistan to complement President Barack Obama's plans to send 30,000 more troops to Afghanistan... Pakistan opposes expanded U.S. drone attacks against militants on its tribal areas... Missile strikes from pilotless drone aircraft have created fierce anti-American sentiment in Pakistan... for the first time, U.S. officials are talking with Islamabad about the possibility of hitting Baluchistan, where Pakistan is already facing a low-level insurgency from Baluch rebels seeking provincial autonomy. Foreign Ministry spokesman Abdul Basit said there were limits to Pakistani cooperation, and the drone attacks were counterproductive.” [17f]

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MILITANT ACTIVITY

8.09 Jane's noted in its section on security, updated 8 September 2009, that:

“Pakistan faces major terrorist and insurgent threats, particular[ly] from Sunni-Deobandi extremist groups. Pro-Taliban militancy since 2001, originally confined to Pakistan's tribal areas [the FATA], has spread into the North West Frontier Province (NWFP). In addition, Punjab-based Sunni extremist groups are emerging as a major threat to security and there appears to be a growing symbiotic relationship between these groups and tribal-based organisations.” [36d] (**Security: Terrorism and insurgency**)

8.10 Reuters reported in its background briefing to Pakistan violence, dated 19 October 2009, that:

“The Taliban and other militant Islamist groups operating in Pakistan are fighting internal conflicts, regional battles in Afghanistan and Kashmir and, in some cases, global jihad against the West. Some are connected with al Qaeda. They are loosely co-ordinated, but often share resources and recruits. They include Afghan Taliban and al Qaeda militants, who fled Afghanistan when U.S.-led troops ousted them in 2001, and Pakistani Taliban and other Pakistani groups who share a similar hardline version of Islam.

“Although the Pakistani Taliban are mostly active in the tribal belt along Pakistan's western border, other militant Sunni groups are based in the country's political heartland in Punjab province. The largest of these, the Lashkar-e-Taiba, has been accused of organising an attack on Mumbai in November 2008. These groups are believed to provide logistics and other help to al Qaeda and the Taliban. Two of these groups, the sectarian Lashkar-e-Jhangvi and Kashmir-oriented Jaish-e-Mohammed have been blamed for bomb attacks inside the country, while the Kashmir-oriented Lashkar-e-Taiba

has not been known to attack Pakistani targets.” [17a] (In detail: Who are the Taliban militants?)

8.11 The HRW World Report 2009 noted:

“[That] the Pakistani armed forces have engaged in increasingly aggressive counterterrorism operations in Pakistan’s Federally Administered Tribal Areas along the Afghan border. The operations at times have been accompanied by massive civilian displacement, extrajudicial executions, house demolitions, and arbitrary detentions. Since September 2008, US drones are believed to have carried out more than a dozen missile attacks on alleged militant targets in the tribal areas, killing dozens of people amid persistent claims of civilian casualties.” [13a] (Security Operations and Displaced Persons)

8.12 The International Crisis Group (ICG) recorded in its report ‘Pakistan: The Militant Jihadi Challenge’, dated 13 March 2009, that:

“...on 16 February 2009, NWFP’s Awami National Party (ANP)-led government made a peace deal, devised by the military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant group allied to the Taliban. The government agreed to impose Sharia (Islamic law) in NWFP’s Malakand region, with religious courts deciding all cases after 16 February 2009; dismantle all security checkpoints and require any military movements to be pre-approved by the TNSM; and release captured militants, including those responsible for such acts of violence as public executions and rape. In return, the militants pledged to end their armed campaign.” [3a] (pii)

8.13 The same source added that “Less than two weeks after declaring a ‘permanent ceasefire’, however, the Pakistani Taliban in Swat abducted a Frontier Corps district commander and four other troops, attacked a military vehicle, killed two security personnel and kidnapped three government officials...” [3a] (p2)

See Section 4: [Recent developments](#) and subsection below: [North West Frontier Province \(NWFP\)](#)

8.14 The Economist Intelligence Unit (EIU) noted in its Country Report for Pakistan, dated 7 October 2009, that:

“... the government and the military have encouraged the creation of lashkars (village militias) to help to counter the threat posed by TTP [Tehrik-e-Taliban] and TTP-linked groups in FATA and neighbouring parts of the NWFP. The government and the military provide intelligence and ‘logistical support’ (which may or may not include arms) to the militias; villagers provide arms of their own, ranging from guns to axes to sticks.” [75d] (The Political Scene)

8.15 The same source added that:

“The government claims that these militias, which are euphemistically described as ‘village-defence committees’, are hindering TTP operations, but TTP killed seven pro-government tribal elders in Janikhel, in Bannu, including a prominent tribal chief, Malik Sultan, who was actively raising an anti-TTP militia, on September 24th. Although the militias might be seen as more attuned to local issues and sensibilities than the national army, how effective

they will prove to be is far from clear. The government has been criticised by some who feel that, having persuaded local groups to rise up against militants, it has failed to offer them adequate protection. It has also raised fears that the government is merely abdicating its responsibility to ensure law and order.” [75d] (The Political Scene)

8.16 The EIU recorded in its Country Report for Pakistan, dated 6 November 2009, that “On October 17th [2009] Pakistan’s military began a ground offensive called ‘Path to Salvation’ in South Waziristan, the district in the Federally Administered Tribal Areas (FATA) that is the stronghold of Tehrik-i-Taliban Pakistan...” [75e] (The Political Scene)

8.17 The EIU further reported that the TTP launched a string of deadly terrorist attacks in October 2009 with five major attacks occurring within ten days, including:

- “a suicide bombing at the office of a UN agency, the World Food Programme, in the capital, Islamabad, on October 5th. Owing in part to this attack, the UN announced on November 2nd that it was withdrawing many of its staff in FATA and NWFP, leaving ‘only those vital for emergency, humanitarian relief, security operations or any other essential operations as advised by the secretary-general’, according to a spokesman, Ishrat Rizvi;
- a suicide bombing at a busy market in the capital of NWFP, Peshawar, on October 9th, which killed more than 50 people;
- a siege at the national army headquarters in Rawalpindi, in which militants dressed in army uniforms took more than 40 people hostage inside the complex. The siege, on October 10th-11th, lasted more than 20 hours, and 19 people (including eight militants) were killed before army commandos ended the incident;
- an attack on an army convoy in Shangla, in Swat, on October 12th;
- an attack on three government installations in the capital of Punjab province, Lahore, on October 15th. Dressed in police uniforms, militants attacked two police training centres and the regional office of the Federal Investigation Agency.”

“Other attacks have occurred with regularity. Militants destroyed a high school and a clinic in Hangu in NWFP on October 30th; in early November a series of militant attacks over three consecutive nights razed an entire village. A car bombing in a residential complex in Peshawar on October 15th was the seventh bomb attack there in four months. Most market traders observed a three-day strike in protest against the attack in Peshawar on October 9th, adding to the impression that Peshawar is a city under siege. Six people were killed when militants attacked the International Islamic University in Islamabad on October 20th. On October 22nd militants on a motorbike opened fire at an army jeep in a residential area of the city, killing a brigadier and another soldier. Their ability to act in Pakistan’s most secure city is of concern to the country’s leadership, as well as the wider population.” [75e] (The Political Scene)

8.18 During the course of 2007, 2008 and 2009, there have been numerous clashes between the authorities and militants, primarily in the FATA and NWFP. 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 comprehensive timeline of events in 2007, 2008

and 2009 for the country generally and for individual provinces/territories. [61c] Reuters Alertnet, Pakistan violence timeline, updated 19 October 2009, also provides a useful summary of significant events during 2008/2009 http://www.alertnet.org/db/crisisprofiles/PK_VIO.htm?v=timeline. [17a]

See also subsection: [Pakistani Taliban](#)

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Balochistan

- 8.19 The SATP noted in its Intelligence Review dated 23 November 2009 that there had been some reduction in violence in Balochistan during 2009. "At least 268 persons, including 148 civilians and 83 Security Force (SF) personnel, have died in the current year (till November 20)... Significantly, there has been a dramatic reduction in the number of insurgents killed, an indication that CI [counter- insurgency] operations are not yielding results." In comparison, the same report recorded that a total of 348 people (130 civilians, 111 security force personnel and 107 insurgents) were killed during 2008. [61f] (Volume 8, No.20) The SATP further noted that there were "...at least six active insurgent groups in Balochistan: the Balochistan Liberation Army (BLA), the Baloch Republican Army, the Baloch People's Liberation Front, the Popular Front for Armed Resistance, the Baloch Liberation Front (BLF) and [the Balochistan Liberation United Front] BLUF." The same source added that the BLUF was the "...most radical of the three Baloch separatist groups even though it isn't clear if these are separate or overlapping factions operating under different names." [61f] (Volume 8, No.20)
- 8.20 The same source continued:
- "The insurgents retain capabilities to carry out acts of sabotage on a daily basis across the province. Acts of violence are, importantly, not restricted to a few areas but are occurring in practically all the 26 Districts, including the provincial capital Quetta. Quetta continues to witness substantial militant activity, both from the Islamist extremists and the Baloch nationalists. There were 73 militancy-related incidents in Quetta during 2009 (till November 15) as against 81 in 2008; 72 in 2007; 75 in 2006; 61 in 2005; 51 in 2004; and 32 in 2003." [61f] (Volume 8, No.20)
- 8.21 The Online International News Network of Pakistan reported on 25 June 2009 that "Despite deployment of heavy force and Police, at least 60 people lost their lives and more than 400 received serious injuries in different act[s] of terrorism and sectarian violence since start of ongoing year [sic] in Balochistan." The same source added that no arrests had been made with regards to the attacks. The Inspector General of Police in Balochistan was quoted as saying that:
- "... 32 attacks have been launched on Police from January 1st to June 25, 2009 in which 22 Police Personnel lost their lives while 25 others received serious injuries. 16 FC [Frontier Corps] Personnel were killed and 95 sustained serious injuries in different act[s] of terrorism during the same period, he said, [and] added, 32 people were killed in target killing and 41 received injuries. The sectarian violence left 25 people dead and 9 injured, he said..." [37a]

- 8.22 *Dawn* reported on 24 June 2009 that the:
- “Balochistan Assembly... condemned the target killings in the province and expressed resentment over the failure of police to arrest the culprits. Speaking on a point of order, Home Minister Mir Zafarullah Zehri said the lack of command and control structure in the police department and low morale of policemen were encouraging criminals to step up their activities... He said the policemen who had been brought from other provinces to Balochistan did not understand the ground situation in the province. He said the situation was going from bad to worse in Quetta, Kalat and Khuzdar.” [42i]
- 8.23 BBC News reported on 10 April 2009 that “Political groups in Pakistan's Balochistan province have called a three-day general strike in protest at the killing of three ethnic leaders... The United Nations expressed ‘serious concern’ over the killings and urged an immediate investigation. Supporters say the three men went missing after being detained by security forces. An army spokesman blamed ‘anti-state elements’.” [35j]
- 8.24 Reporting on the killings, the UN News Centre noted on 15 April 2009 that “The three men from the south-western province of Balochistan, the largest in Pakistan, were members of the Quam Dost Committee, which was recently established by the Government to investigate cases of missing people in the region, according to the UN High Commissioner for Refugees (UNHCR).” The same source added that “Earlier this month, the head of the UNHCR office in Quetta, the capital of Balochistan, was released after being abducted in an attack on 2 February [2009] that left another colleague, Syed Hashim, dead. The Balochistan Liberation United Front [BLUF] was the group that claimed to be holding UNHCR staff member John Solecki, demanding the release of people it says are in Pakistani custody.” [88a] John Solecki was released by the BLUF on 4 April 2009. (*Pakistan Times*, 4 April 2009) [90]
- 8.25 On 24 November 2009 Agence France-Presse (AFP) reported that the Pakistan government had “...unveiled a package of reforms in a bid to ease a separatist insurgency in Baluchistan on the Afghan and Iranian borders, and maximise efforts on fighting the Taliban.” Addressing parliament, Prime Minister Yousuf Raza Gilani said that “The package will give people their political and economic rights in Baluchistan...” A Presidential spokesman stated that the Balochistan Empowerment Package “...contains a series of constitutional reforms, economic measures and administrative steps to assuage the hurt feelings of the people of Baluchistan.” [96c]
- 8.26 However, Reuters reported on 25 November 2009 that Baloch opposition leaders and separatist rebels alike had dismissed the government’s proposals as insufficient and demanded greater autonomy for the region. [17e]
- 8.27 The SATP website, satp.org, provides a comprehensive timeline of incidents in Balochistan from 2003 to 2009.

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North West Frontier Province (NWFP)

8.28 The HRW Report 2009 noted:

“Armed groups in Pakistan's tribal areas continue to engage in vigilantism and violent attacks on civilians, including suicide bombings, murder, and public beheadings. Despite selective military operations and periodic peace deals, the government has not succeeded in preventing the Taliban and members of other militant groups from committing serious human rights abuses.

Throughout 2008 Taliban suicide bomb attacks and operations continued in the settled areas of the North West Frontier Province. Battles between pro-Taliban militants and government security forces in the NWFP's Swat valley displaced civilians and led to severe insecurity.” [13a] (Security Operations and Displaced Persons)

8.29 The US State Department's International Religious Freedom Report 2009 (USSD IRF 2009) stated that “Throughout the reporting period [1 July 2008 – 30 June 2009], attacks, threats, and violence by Islamic extremists increased across the country, especially in the NWFP... there were numerous reports of Islamic militant attacks on barber shops and stores selling music in the NWFP and FATA.” [2n] (Section II: Forced Religious Conversion)

8.30 Jane's recorded in its Security section for Pakistan, dated 8 September 2009, that:

“In late April 2009, [Maulana] Fazlullah and his men consolidated their hold over Buner district in the NWFP by occupying the main town there, Daggar. On 10 April local Pakistani press reported the militants had advanced into Buner from their base in the adjacent Swat Valley and taken control of vast areas. They occupied the Pir Baba Sufi shrine and the houses of tribal elders and forced the police and other law enforcement personnel to retreat to their posts. These lasted only a few days before the army and paramilitary Frontier Corps launched an offensive – Operation Rah-e-Rast ('right path') – against Fazlullah's men in Buner and Dir districts on 29 April, backed by warplanes and helicopter gunships. Military operations resumed and intensified in Swat on 7 May... The military also targeted the main city of Mingora where militants had occupied emerald mines.” [36d] (Security: Religious Militant)

8.31 Reporting on the Nizam-e-Adl Regulation (NAR) (see paragraph 4.06 in Recent developments for details about the NAR), the USSD IRF Report 2009 noted that despite Malakand being back in control of the NWFP government at the end of the reporting period (July 2008 to June 2009), the NAR had not yet been implemented. [2n] (Section II: Legal/Policy Framework)

8.32 On 18 May 2009, Amnesty International expressed concern about the unnecessary risk posed to civilians caused by “The Taliban's use of landmines and human shields and the Pakistan army's aerial and artillery attacks...” The report added that “Residents in the town of Mingora, the epicenter of the fighting, told Human Rights Watch that Taliban militants have laid landmines in the town and prevented many civilians from fleeing, using them as 'human shields' to deter attack. Pakistani forces appeared to have taken insufficient precautionary measures in aerial and artillery attacks that have caused a high loss of civilian life.” [4f]

8.33 Jane's noted that:

"By late June 2009, the military indicated that their operations had been successful in driving out the militants from Swat and were drawing to a close (although the lack of access for journalists made their reports difficult to corroborate). However, the victory has come at the cost of practically destroying Mingora and surrounding areas, according to local press reports. The military operations in Swat, Dir and Buner contributed to a grave refugee crisis in which an estimated 1.45 to 1.7 million people were believed to have been displaced from the start of May [2009]..." [36d] (Security: Religious Militant)

See also Section 29: [Internally Displaced Persons](#)

8.34 The Associated Press of Pakistan (APP) reported on 24 June 2009 that:

"Federal Interior Minister Rehman Malik Wednesday said the government would continue the military operation against terrorists till the last Talib is tracked down by the forces. Addressing a press conference here at the Parliament House, Rehman Malik said the operation zone in Malakand and Swat had been cleared of terrorists and the next step of the government forces would be to stop the Taliban from regrouping." [86a]

8.35 Reuters reported on 13 July 2009 that the NWFP government had announced a three stage plan to return IDPs to Swat, now that the army claimed the area was secure. [17h] However, on 11 August 2009, *Dawn* reported that fresh fighting in the NWFP had caused further displacement. Ongoing fighting in Upper Dir and Buner districts meant thousands of people had fled their homes. [42i]

See also Section 29: [Internally Displaced Persons \(IDPs\)](#)

8.36 The *Daily Times* reported on 27 September 2009 that:

"The Swat district elders said... that peace is gradually being restored to the region in the aftermath of the military operation against the Taliban. Addressing a gathering of the 'Qaumi Lashkar', police and elders at the village of Bara Drushkhela, Awami National Party leader Afzal Khan Lala said the people of Swat had braved innumerable hardships over the past three years, adding that the Pakistan Army had played a crucial role in clearing out the Taliban from the region. He said the people of Swat fully backed the government's military offensive against the Taliban." [55s]

8.37 The Foreign and Commonwealth Office, in its regularly updated [Travel Advice on Pakistan](#), lists suicide bombings and other major militant incidents from September 2008 to the present. [11a] The SATP website, [satp.org](#), provides a comprehensive timeline of incidents in NWFP from 2003 to the present.

See also subsection: [Pakistani Taliban](#)

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Federally Administered Tribal Areas (FATA)

8.38 In its section on security, dated 8 September 2009, Jane's reported that:

“In spite of major military, and subsequent diplomatic, efforts at pacification, Pakistan's tribal frontier region abutting Afghanistan, the Federally Administered Tribal Areas (FATA), remains highly volatile... The border with Afghanistan is straddled by tribes of ancient lineage whose members cross freely for social and (mainly illegal) commercial purposes. In spite of sustained efforts on the part of Pakistan's security forces the border remains porous and the tribes continue to resist interference in their affairs. Confrontation between government forces and the region's inhabitants has alienated the tribes to an unprecedented degree, which has compelled Islamabad to undertake a strategy that continues to fluctuate between military offensives and political engagement. Successive government peace accords from 2004 onwards - particularly in the Swat valley - have done little to improve security in the region or expand the writ of the government. Moreover, the flow of militants from the FATA to Afghanistan continues unchecked.” [36d] (Security: Terrorist/Insurgent threat)

- 8.39 The South Asia Terrorism Portal (SATP) noted in its Pakistan Assessment 2009, covering events in 2008, that “FATA continues to be the most violent region in Pakistan. At least 3,067 persons, including 1,116 civilians, 242 [security force] SF personnel and 1,709 militants, were killed and over 1,315 persons were injured in more than 1,154 incidents in 2008. This is almost double the death count in 2007...” SATP noted, however, that due to severe reporting restrictions in the region, the actual figures were likely to be much higher. The same source added:

“Within FATA, violence is reported from all the seven Agencies – Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan, and South Waziristan – in varying degrees. The continuing instability in neighbouring Afghanistan and the rapid fading of the Government's writ in FATA in 2008 has only intensified the conflict in the region. After Waziristan, Bajaur is arguably the most significant stronghold of the militants, who have entrenched themselves in the area, transforming the Agency into a nerve centre of the Taliban – al Qaeda network.” [61b] (FATA)

- 8.40 On 17 October 2009, the Pakistan military launched its offensive, Operation Rah-e-Nijat (Path to Salvation), against the Tehrik-e-Taliban Pakistan (TTP) stronghold of South Waziristan. As reported in the SATP South Asia Intelligence Review (SAIR) Weekly Assessment and Briefings, dated 9 November 2009:

“Approximately 30,000 troops, assisted by military jets and helicopter gunships, have been deployed in the TTP stronghold and have moved in from three sides – ‘from Razmak in North Waziristan towards Makeen in South Waziristan, from Wana and Shakai towards Serwakai tehsil [revenue unit] on the way to Kaniguram, and from Jandola to Spinkai Raghzai, Kotki and Sararogha.’ On November 3, the Pakistan Army took control of Sararogha, the stronghold of the Hakeemullah Mehsud-led TTP. The capture of Sararogha adds to the significance of securing Kotkai, the home town of TTP chief Hakeemullah Mehsud and his trainer of suicide bombers, Qari Hussain, on October 24. Adding to its significance, Sararogha was where the TTP Shura (executive council) met to deliberate strategy. The political administration has claimed that Army troops were in control of major parts of Sararogha and Ladha, while they were moving to consolidate positions in Makeen town, described as the nerve centre of the Taliban in South Waziristan. The rapid

pace with which the military has claimed capture of major towns and villages, including Sherwangi, Kotkai, Kaniguram and Sararogha, and locations such as Tarkona Narai, have fuelled much doubt and skepticism.” [61f] (Volume 8.18)

- 8.41 The Economist Intelligence Unit (EIU) stated in its Country Report for Pakistan, dated 6 November 2009, that:

“Estimates of the number of militants in the area vary between 5,000 and 20,000. A number of Uzbek fighters are also thought to be in South Waziristan, fighting alongside TTP. The mountainous terrain has defined the military strategy, which has involved taking higher ground before capturing lower areas. The Taliban strategy, meanwhile, appears to be to lure the military into forested areas, where they have protection from US drones.” [75e] (The Political Scene)

- 8.42 The same source reported that:

“Towards the end of October a few embedded reporters were able to travel to South Waziristan with the Pakistani military. Initially, however, there were no independent reports on the offensive. It seems that the military has been successful in capturing major towns; for example, on October 24th it captured Kotkai, the hometown of the new TTP leader, Hakimullah Mehsud, and of his deputy, Qari Hussain, and on November 3rd it entered TTP's operational base in Sararogha. However, whether these successes involved significant fighting or whether TTP fighters merely dispersed, possibly even into neighbouring tribal areas, is impossible to say. A Pakistani general said that 82 militants had been killed in one battle, but that hundreds may have escaped the area. Official estimates suggest that 289 militants and 34 Pakistani troops have died in the conflict so far.” [75e] (The Political Scene)

- 8.43 *The News* reported on 8 November 2009 that:

“Local and official sources said there is little or no resistance from the militants as all the armed men had left the area well in advance or after some fighting only in a few places. No important Pakistani Taliban commander or foreign militant has been killed or arrested in the operation... The death toll of the militants claimed by the Inter-Services Public Relations (ISPR) in its daily statements has reached almost 500, but the bodies of the slain men haven't been shown to the media. The whereabouts of the key Taliban leaders, including Hakimullah Mehsud, Qari Hussain and Waliur Rahman, aren't known and it is believed they have escaped to some new hideouts. Some sources said Waliur Rahman in his capacity as the head of the Tehrik-e-Taliban Pakistan (TTP) South Waziristan chapter is still holed up somewhere in the Mehsud tribal territory. Like in Swat, where Taliban head Maulana Fazlullah is still untraceable, the situation has taken a familiar turn in South Waziristan as all the top commanders fled.” [44b]

- 8.44 Al Jazeera reported on 24 November 2009 that:

“Pakistan's military has launched a major offensive in the northwest Khyber agency, imposing a 24-hour curfew and a shoot-to-kill policy. The operation, called 'You will like us', is taking place in the Barra Area, where security forces say 18 Taliban fighters have been killed in fighting so far... Authorities have claimed that Taliban fighters who escaped from an army operation in South

Waziristan may have sought sanctuary in Barra. Pakistani officials say the spate of recent bloody attacks in Peshawar and surrounding areas, which have killed more than 150 people, were likely to have been co-ordinated from Barra.” [94a]

The SATP website, satp.org, provides a comprehensive timeline of incidents in NWFP from 2003 to the present.

See Section 29 for information on [Internally Displaced Persons](#), and for more background about the Taliban see subsection: [Pakistani Taliban](#)

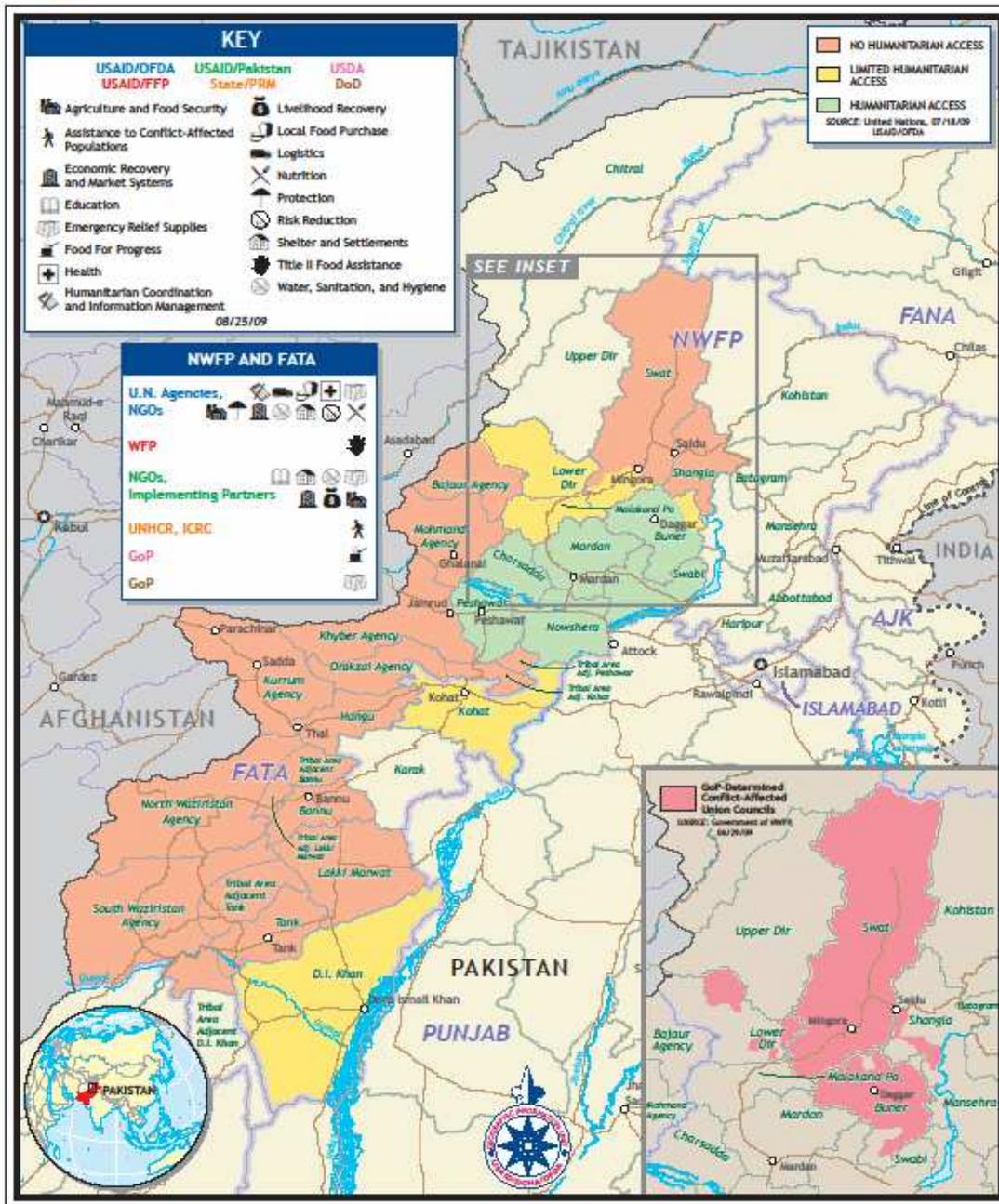
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Map

- 8.45 Below is a map of the North West Frontier Province (NWFP) and Federally Administered Tribal Areas (FATA) showing the area of conflict in 2008 and 2009 as of 25 August 2009:



USG HUMANITARIAN ASSISTANCE TO CONFLICT-AFFECTED POPULATIONS IN PAKISTAN IN FY 2008 AND TO DATE IN FY 2009



The boundaries and names used on this map do not imply official endorsement or acceptance by the U.S. Government.

(Relief Web, 26 August 2009)

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/LPAA-7VAAH8?OpenDocument> [83a]

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Pakistani Taliban

8.46 Jane's recorded in its Sentinel Country Risk Assessment for Pakistan, Security, dated 8 September 2009, that "A Taliban inspired tribal-based insurgency first emerged in South Waziristan [in the FATA], specifically the Azam Warsak area near Wana, which is inhabited by the Ahmedzai clan of the

Wazir tribe... From the outset, the Wazirs played a leading role in the insurgency.” The same source noted that the Waziri militants were under the leadership of Nek Mohammed who, in many ways, embodied the rise of the Pakistani Taliban. Following Nek Mohammed’s death in 2004, two rival groups within the Waziri tribe emerged, although divided by the presence of foreign militants, namely those from the Islamic Movement of Uzbekistan (IMU). One of the groups, led by Maulvi Nazeer, opposed the Uzbek militants and forced many to move northwards to areas dominated by Baitullah Mehsud where they became absorbed into his pro-Taliban tribal militant group. After forming alliances with other pro-Taliban tribesmen from across other agencies and the North West Frontier Province (NWFP), Mehsud created the umbrella group Tehrik-e-Taliban Pakistan (TTP) in December 2007, which claimed to represent 40 Pakistani Taliban groups from all seven agencies and several NWFP districts. [36d] (Security: Religious Militant)

8.47 On 25 August 2008, the Pakistan government announced an imposition of a ban on the Tehrik-e-Taliban (TTP). *The News* reported on 26 August 2008 that “A statement issued by the Interior Ministry said: ‘The government[t] has reasons to believe that the Tehrik-e-Taliban Pakistan (TTP) is a militant organisation and is involved in acts of terrorism, including suicide bombings, throughout the length and breadth of the country. The federal government, therefore, has proscribed the Tehrik-e-Taliban Pakistan (TTP) under the Anti-Terrorism Act...’” [44c]

8.48 *The News* reported on 23 February 2009 that the:

“Taliban have formed a new alliance, Shura Ittihad-ul-Mujahideen [SIM], in the twin agencies of Waziristan — North and South... Sources told *The News* that the new alliance would comprise the groups led by central chief of banned Tehrik-e-Taliban Pakistan (TTP), Baitullah Mehsud and the two reportedly pro-government powerful commanders Maulvi Nazir of South Waziristan Agency and Hafiz Gul Bahadur of North Waziristan tribal region.” [44e]

8.49 The Economist Intelligence Unit (EIU) recorded in its Country Report for Pakistan, dated 4 September 2009, that:

“On August 25th Tehrik-i-Taliban Pakistan... acknowledged for the first time that its former leader, Baitullah Mehsud, had been killed by a missile fired by a US-operated unmanned aircraft on August 5th. For most of the month of August, US and Pakistani officials had said they were confident that Mr Mehsud had been killed, although TTP had insisted for weeks that he was still alive and conclusive evidence could not be gathered.

“TTP also announced in August that it had chosen a successor to Mr Mehsud—a 28-year old commander in the organisation, Hakimullah Mehsud (like Baitullah Mehsud, a member of the Mehsud tribe). Hakimullah Mehsud is thought to be even more prone to violence than his predecessor; he is believed, for example, to have masterminded the terrorist attack on Sri Lanka's visiting national cricket team in Lahore, the capital of Pakistan's Punjab province, in March [2009]. Hakimullah Mehsud has also been responsible for a series of attacks on US and NATO supply convoys travelling to Afghanistan...” [75b] (The Political Scene)

8.50 Jane’s noted that:

“On 16 February 2009, the provincial [NWFP] government agreed a truce with Sufi Mohammed's TNSM [Tehrik-e-Nefaz-e-Shariat-e-Mohammadi]. As part of the truce, the provincial government agreed to implement sharia in the former Malakand division through the enforcement of the Nizam-e-Adl Regulation 2009 order. The truce followed the April 2008 peace accord that the NWFP government signed with Sufi Mohammad, which paved the way for his release from prison that year...” [36d] (Security: Religious Militant)

- 8.51 The TNSM rose to prominence in the mid-1990s following Swat's merger with Pakistan in 1969, after which its judicial system broke down due to corruption and lengthy trial procedures. Prior to the merger Swat's judicial system was a mixture of tribal and Sharia laws, allowing for swift dispensation of justice. Sufi Mohammed's son-in-law, Maulana Fazlullah, heads a breakaway faction of the TNSM that is the main threat to government control in Swat and the Makalad division. Fazlullah's group, which belongs to the umbrella Tehrik-e-Taliban Pakistan (TTP) organisation, has led an insurgency in Swat since 2007. Fazlullah's group "...has set up parallel administrative structures in some of the districts of the former Malakand division, has burnt down numerous girls' schools and killed (often by beheading) artists, teachers, government officials, policemen, paramilitary soldiers and army troops." (Jane's, 8 September 2009) [36d] (Security: Religious Militant) Islamist)
- 8.52 Minority Rights Group International (MRG) noted in its report on minorities in the NWFP, dated 11 August 2009, that "The Taliban have... used terror tactics to intimidate residents into supporting them." [88b] (p3) Human Rights Watch reported that the Taliban dragged a local imam into Mingora town square where he was shot and killed after he objected to their stockpiling arms and laying landmines. [13g] MRG further noted that "In addition to public executions and floggings, the Taliban have distributed videos of violent acts, such as beheadings, committed against civilians..." [88b] (p3)
- 8.53 On 16 September 2009, BBC News reported on the arrest of an important Taliban leader, whose name featured on a list of wanted militants issued by the Pakistan government. The alleged local Taliban commander in Charbagh, Sher Muhammad Qasab, was arrested in a military operation. Another recent arrest was that of Taliban spokesman, Muslim Khan. Senior officials reported that the army were closing in on Swat Taliban leader, Maulana Fazullah. [35v]
- 8.54 Reuters news noted on 1 July 2009 that "There are numerous militant factions in Pakistan's northwest with differing objectives, some intent on forcing foreign troops out of Afghanistan, others fighting Pakistan." [17b]

See also subsections [NWFP](#), [FATA](#) and [Militant activity](#) for detail on clashes between Taliban and government forces.

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9. SECURITY FORCES

POLICE

9.01 The US Department of State Country Report on Human Rights Practices 2008, Pakistan (USSD Report 2008), published 25 February 2009, stated that “Police have primary internal security responsibilities for most areas of the country. Under the Police Order (Second Amendment) Ordinance of 2006, control of local police falls under the Ministry of Interior. The provincial government has the power to transfer officers from their posts, however, and district nazims write the district police officer annual performance evaluation reports, which guides promotions.” [2k] (Section 1d) The Jane’s Sentinel Country Risk Assessment for Pakistan, Security and Foreign Forces, updated 3 July 2009, stated that there were 200,000 police officers (a 2005 estimate) in the country. [36b] (Security and Foreign Forces)

9.02 Regarding police numbers, the International Crisis Group (ICG) recorded in its report, Reforming Pakistan’s Police, dated 14 July 2008, that:

“In Punjab, Pakistan’s largest federal unit in terms of population and also the most affluent and welldeveloped, there is only one forensic science laboratory, seven police training institutions (three of which are still in the planning phase) and two women police stations. The entire province has some 167,000 police, one to approximately 480 people, and 616 police stations to meet the needs of almost 80 million people in 35 districts... The provincial capital, Lahore, with around ten million inhabitants, has only 25,100 police... (429 of whom are women)... one for every 398 residents... with 77 police stations of which only one is exclusively for women.” [3b] (p17)

9.03 The same source stated that:

“In Sindh’s capital, Karachi, with a population of more than sixteen million... the authorised strength of the police is 28,964, one to 598 residents, but only 26,873 are posted there. In other regions, too, numbers on the ground are below authorised strength; 16,748, for instance are approved for Hyderabad region, but actual strength is 16,220; in Sukkur region, the figures are 23,292 and 21,923. Sindh’s Crime Investigation Department has an authorised strength of 361 officers but 63 vacancies.” [3b] (p17-18)

9.04 Jane’s reported in its Sentinel Country Risk Assessment for Pakistan updated 3 July 2009 that:

“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.” [36b] (Security and Foreign Forces)

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

“In 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)

- 9.06 Jane’s further noted that:

“The police service has also become steady more politicised [sic] over the years, and is subservient to the demands of local political leaders who tend to control lower level postings and transfers, and use the service mainly to intimidate their opponents. Not surprisingly, corruption is rife in the service, a fact that is reflected in public perception surveys. Transparency International’s Global Corruption Barometer (GCB), which surveys public perceptions of corruption, shows that people in Pakistan tend to think of the police as the most corrupt of all public services... In spite of attempts at administrative reform, 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. Further, the police force is not trained or equipped to handle the fallout of the ongoing militancy in Pakistan.” [36b] (Security and Foreign Forces)

- 9.07 The USSD Report 2008 observed that “Corruption within the police was rampant... Police were known to charge 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. Critics charge that the appointment of the SHO [Station House Officer] has become politicized.” [2k] (Section 1d)

See also Section 18: [Corruption](#)

- 9.08 The National Police Bureau website, accessed 11 September 2009, stated that the “National Police Bureau is a statutory body mandated to act as a national focal point on all police-related matters. It coordinates and monitors the state of implementation of police reforms, as envisaged in Police Order 2002, across Pakistan. Though National Police Bureau is an integral part of the Ministry of Interior, it has a separate budget due to its peculiar role. Director General of the Bureau has full financial and administrative powers.” [29o]

- 9.09 On the efficacy of the police, the USSD Report 2008 stated that:

“Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests. Frequent failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The

inspectors general, district police officers, district nazims, provincial interior or chief ministers, federal interior minister, 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.”
[2k] (Section 1d)

9.10 The same source added that:

“The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. The Karachi city government reportedly gave facilities to the city’s human rights officers for training. During the year, at least three NGOs (Society for the Protection of the Rights of the Child [SPARC], Sahil, and SHARP [Society for Human Rights and Prisoners’ Aid]) trained police. In the Punjab and NWFP, public safety commissions were established but functioned poorly due to their vague mandate, according to SHARP and the GF [Global Foundation], and due to their susceptibility to interference by the provincial executive, according to the International Crisis Group (ICG). Although district public safety committees existed in Punjab, Sindh, and a majority of districts in NWFP and Balochistan, inadequate staffing undermined their effectiveness. ICG also reported these committees were subject to political influence.” [2k] (Section 1d)

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

9.11 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, covering events in 2008, noted 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. Prison conditions are extremely poor, with overcrowding a particular problem. Case backlogs mean that the majority of prisoners are awaiting trial. Government critics are particularly at risk of arbitrary arrest, torture, ‘disappearance,’ or denial of basic due process rights. Progress on creating an official human rights commission empowered to investigate cases and redress grievances has been slow, and although a number of cases are investigated and some prosecutions do occur, impunity remains the norm.” [19a]

9.12 The USSD Report 2008 added that

“In 2005 authorities expanded the number of special women’s police stations with all female staff in response to complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations.” [2k] (Section 1c)

See also Section 23: [Violence against Women](#)

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ARMED FORCES

- 9.13 Jane's noted in its Sentinel Country Risk Assessment for Pakistan on Armed Forces, last updated on 16 November 2009, that the armed forces consisted of 590,000 personnel in the army, a further 500,000 reservists, 25,000 in the Navy and 45,000 in the airforce. Additionally there are over 300,000 personnel in paramilitary forces, which included the National Guard, Pakistan Rangers and Frontier Corps. [36c] (Armed Forces)
- 9.14 The USSD Report 2008 stated that "The Rangers are a paramilitary organization under the authority of the Ministry of Interior. The armed forces are responsible for external security; at times during the year they were also assigned domestic security responsibilities." [2k] (Section 1d)
- 9.15 In its Pakistan Country Profile – Main Report, dated 10 September 2008, the Economist Intelligence Unit stated that:
- "The new chief of army staff, General Ashfaq Kayani, appears less inclined towards military involvement in politics than his predecessors—at least for the moment. But the army remains Pakistan's ultimate political arbiter, and its presence reduces the freedom of movement for politicians. The expansion of the military into mainstream economic activity over the past few years has tarnished its reputation as the country's least corrupt institution." [75a]

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OTHER GOVERNMENT FORCES

Intelligence Agencies

- 9.16 Jane's reported in their Sentinel Country Risk Assessment, updated on 3 July 2009, 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." [36b] (Security and Foreign Forces: Intelligence Agencies)
- 9.17 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." [36b] (Security and Foreign Forces: Intelligence Agencies)

9.18 The same source noted:

“In April 2009, the federal government established the National Counter Terrorism Authority (NACTA), which has been given the responsibility of co-ordinating the work of all intelligence agencies. A former director general of the Federal Investigation Agency (FIA) and a reputed police officer, Tariq Pervez, has been appointed as its head. NACTA will be housed in the Ministry of Interior, but has been constituted as a body working directly under the authority of the prime minister. However, budgetary provisions have yet to be made for the appointment of personnel to the body, and as such it has yet to formally commence operations.” [36b] (**Security and Foreign Forces: Intelligence Agencies**)

For information on Arbitrary Arrest and Detention see section 12 and Section 11: Judiciary, subsection

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HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary Arrest and Detention

For information arrest and detention legals, including official documentation, see [Arrest and detention – legal rights](#)

9.19 The Asian Centre for Human Rights (ACHR) South Asia Human Rights Index 2008, published 1 August 2008, recorded that “Arbitrary arrest and unlawful detention were common in Pakistan. Scores of innocent persons were illegally arrested and detained during 2007. The Courts, especially the lower courts and the magistrates intervened into numerous cases of arbitrary detentions and secured the releases of many detainees from illegal detentions throughout the year.” [67b] (p68)

9.20 The Human Rights Watch World Report 2009 (HRW Report 2009), covering events of 2008, recorded:

“Terrorism suspects are frequently detained without charge or, if charged, are often convicted without proper judicial process. Human Rights Watch has documented scores of illegal detentions, instances of torture, and ‘disappearances’ in Pakistan’s major cities. Counterterrorism laws also continue to be misused. It is impossible to ascertain the number of people ‘disappeared’ in counterterrorism operations because of the secrecy surrounding such operations. Pakistan’s Interior Ministry, now controlled by the elected government, has estimated the total at 1,100. However, the government has not provided details of how many were suspected of links to al Qaeda and the Taliban and has made negligible progress in resolving cases and recovering victims.” [13a] (**Terrorism, Counterterrorism and “Disappearances”**)

9.21 The USSD Report 2008 observed that the police frequently issued First Information Requests (FIR):

“...without supporting evidence to harass or intimidate, or they did not issue them when adequate evidence was provided unless the complainant paid a

bribe. Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Police also detained relatives of wanted criminals to compel suspects to surrender. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Some women in detention were sexually abused. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates sometimes colluded through issuing new FIRs to continue detention beyond the 14-day period provided in the law.” [2k] (Section 1d)

For more information on arrest and detention by the armed forces see section 11: Judiciary, subsection [Military Courts and the Army Act](#).

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Torture

9.22 The USSD Report 2008 recorded that:

“The law prohibits torture and other cruel, inhuman, or degrading treatment; there were reports, however, that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in antiterrorism courts. The NGO SHARP reported 1,013 cases of torture by police between January and June [2008], including approximately 500 cases by the Punjab police and nearly 350 cases by the Sindh police. Observers noted that underreporting of torture is prevalent in the NWFP and Balochistan due to local customs. Alleged torture occasionally resulted in death or serious injury. Human rights organizations reported methods including beating with batons and whips, 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.” [2k] (Section 1c)

9.23 On incidents of torture in the past six months (January to June 2009), the Asian Human Rights Commission (AHRC) reported, on 30 June 2009, that according to the NGO Madadgaar, Karachi:

“...695 reported cases of police torture occurred in the country. 174 boys, 45 girls, 198 women and 278 males were the victim of police torture... The provincial break up of total figure indicates that 41 cases were reported from Balochistan, 98 NWFP, 324 Punjab and 232 cases were reported from Sindh... The nature of abuse includes 87 cases of murders, 99 rapes, 124 illegal detentions, 287 physical tortures, and 98 harassment cases... A further analysis reveals that 259 cases occurred at police stations, 98 at victims’ residence, and 103 at public places, 125 in private jails, 110 cases were reported in jail.” [52b]

See also Section 24: [Violence against women](#)

9.24 In a statement dated 5 June 2008, the AHRC claimed that there were 52 “torture centres” across Pakistan where people were detained and tortured by

agencies including the Military intelligence (MI), Inter Service Intelligence (ISI), Federal Intelligence Agency (FIA), Pakistan Rangers and the Frontier Constabulary (FC), in a bid to gain confessions to their anti-state activities. The statement listed a number of illegal detention centres based in Islamabad, the capital, as well as Sindh, Punjab and Balochistan Provinces. [52d]

See also subsection: [Intelligence Agencies](#)

- 9.25 The USSD International Religious Freedom Report (USSD IRF) 2009 observed that:

“Police reportedly tortured and mistreated those in custody and at times, engaged in extrajudicial killings. It was usually impossible to ascertain whether adherence to particular religious beliefs was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates, including lack of access to spiritual resources.” [2n] (Section II)

- 9.26 The Human Rights Commission of Pakistan (HRCP) noted in its State of Human Rights in 2008 report (HRCP Report 2008), published 1 April 2009, that:

“Numerous cases of illegal confinement, torture and harassment at police stations were reported throughout the year. Many women and girls were held without any cases being registered against them and many domestic servants were beaten up and humiliated by police officers to extort confessions of theft and other crimes. Several women reported being raped/gang-raped in police custody. Women were also held so that medico-legal checkups could be delayed and incriminating evidence of any sexual assault lost... Most of these cases of rights abuse in police custody were highlighted only when the victims were able to reach out to the media and voice their concerns. Such police behaviour justified women’s wariness in going to police stations to report crimes for fear of being incarcerated themselves.” [27e] (p126, Women: Women in police custody)

See also Section 23: Women: [Violence against women](#)

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Extra-Judicial Killings

- 9.27 The USSD Report 2008 noted that:

“Reports of arbitrary or unlawful killings by government agents and politically motivated killings continued during the year, as did arbitrary or unlawful killings of civilians in conflict. Some targeted killings of political dissidents and individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. Through November the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 64 civilian deaths after encounters with police and 101 deaths in jails. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human

rights observers, family members, and the media, however, reported security forces staged many of the deaths.

“The government frequently investigated, and sometimes convicted, police officials for extrajudicial killings. Through August 2008 the inspector general of the Punjab Police reported its provincial police force disciplined 973 officials for a variety of crimes. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses, however, consistently contributed to a culture of impunity.” [2k] (Section 1a)

- 9.28 Amnesty International (AI) reported on 18 September 2009 that it had “...received credible information about 164 cases of people killed, often shot at close quarters, since mid July, when the Pakistani Army regained control of most of the [Swat valley] area from Taleban-affiliated insurgents.” The Director of AI’s Asia-Pacific programme stated that “Many residents of the area blame the army for these deaths... But our research also indicates that in some cases, it is the Taleban engaging in reprisals, while in other cases, it’s local and tribal conflicts playing out in an environment of ongoing chaos and insecurity.” AI added that it had “... urged Pakistani authorities to improve policing in the area and establish an immediate and impartial investigation into the killings.” [4g]

See also Section 8: [Security situation](#)

- 9.29 The HRCP Report 2008 stated that “At least 289 people were killed in police encounters in 2008, 73 in Karachi alone.” [27e] (Highlights: Law and order)
- 9.30 The ACHR South Asia Human Rights Index 2008 stated for Pakistan that “Security forces regularly resorted to indiscriminate use of force including the use of live ammunition resulting in significant numbers of casualties. This involved children... many [victims] have been killed by the security forces on mere suspicion... Numerous cases of custodial killings were reported in 2007.” [67b] (p67)

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DISAPPEARANCES

- 9.31 The USSD Report 2008 noted:

“During the year politically motivated disappearances declined, but police and security forces continued to hold prisoners incommunicado and to refuse to disclose their location. The HRCP [Human Rights Commission of Pakistan] estimated that by November approximately 1,100 individuals were still missing under official detention, down from 1,600 in 2007. On August 27, the Ministry of Interior acknowledged that many individuals remain missing in Balochistan. Some disappearances were related to terrorism and national security, and human rights organizations reported many Sindhi and Baloch nationalists were among the missing. According to Amnesty International (AI), children also disappeared with their relatives.

“Then President and Chief of Army Staff Musharraf’s decision in November 2007 to abrogate the constitution and fire the Supreme Court effectively prevented continued action on the approximately 600 disappearance cases the court was reviewing as part of then Chief Justice Chaudhry’s efforts to

have the government release or regularize the detention status of prisoners that various security agencies held incommunicado.” [2k] (Section 1b)

9.32 Amnesty International noted in its Annual Report 2009, published 28 May 2009 and covering events in 2008, that “On 21 November, Human Rights Minister Mumtaz Alam Gilani announced that a new law was being prepared to facilitate the recovery of disappeared people and stated that his ministry had 567 documented cases of enforced disappearance... Despite these initiatives, new cases of enforced disappearance were reported.” [4d] (Enforced disappearances)

9.33 On 25 February 2009 Amnesty International reported on the Pakistan government’s failure to:

“...provide information about hundreds of cases of people believed to be held secretly by the government. Hundreds of people have been detained as part of the so-called war on terror, or in response to internal opposition, for instance in Baluchistan. Their failure comes despite several pledges to resolve the country's crisis of enforced disappearances. The Chief Minister of Baluchistan pledged in April 2008 that resolving the cases of enforced Baluch disappearances would be a priority.” [4e]

9.34 The Asian Human Rights Commission reported in a statement submitted by the NGO Asian Legal Resource Centre, dated 3 June 2009, that:

“The forced disappearance of political opponents which are attributed to the state intelligence services continues in spite of the newly elected government's claims that they will swiftly deal with this problem. Since the Pakistan Peoples' Party (PPP) came to power one year ago, no serious or credible steps have been taken to address these disappearances. The state intelligence agencies are operating in opposition to the government's efforts. In fact, since April 2008 and during the first year of the newly elected government, more than 350 persons have been disappeared after arrest. Meanwhile officers of the state intelligence agencies claim that they have been excused from the obligation of attending courts to give evidence due to reasons of national security.

“The Inter Services Intelligence (ISI) and Military Intelligence (MI) agencies are suspected by the families of the disappeared of carrying out the arrest and disappearances of more than 4,000 persons since the start of the 'war on terror'. In the first nine months of the PPP's government only around a dozen people who were abducted have resurfaced. Certain religious organisations claim that more than 23 persons belonging to various religious groups, mostly young students, are still missing after their arrest.” [52a]

9.35 *Dawn* reported on 6 November 2009 that a three-member bench of the Pakistan Supreme Court had requested law-enforcement officers to increase their efforts “...to trace the increasing number of persons who have ‘disappeared’ and whose whereabouts have been unknown since they went missing.” [42h]

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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 11 November 2009, stated that soldiers could not be sent into combat until they were 18 years of age. [34] (Military) However, the US Department of Labor’s 2008 Findings on the Worst Forms of Child Labor, released 10 September 2009, stated that “There [are] also reports of children under the minimum voluntary recruitment age of 17 years being involved in armed conflict.” [91] (p163)

- 10.03 The USSD International Religious Freedom (USSD IRF) Report 2009 noted that “Members of minority religious groups volunteered for military service in small numbers, and there were no official obstacles to their advancement; however, in practice non-Muslims rarely rose above the rank of colonel and were not assigned to politically sensitive positions. A chaplaincy corps provided services for Muslim soldiers, but no similar services were available for religious minorities.” [2n] (Section II)

See also section 24. [Children](#) and Section 19: [Freedom of Religion](#)

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11. JUDICIARY

ORGANISATION

- 11.01 The CIA World Factbook, updated on 11 November 2009, stated that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ [International Court of Justice] jurisdiction with reservations." [34] (Government: Legal system)
- 11.02 The USSD Background Note on Pakistan, updated March 2009, 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, as well as Islamabad, 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] (Government and Political Organization)
- 11.03 The Pakistani government website (accessed 19 March 2009) stated that Pakistan's 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." [29c] (Supreme Court)
- 11.04 The same source added that the Supreme Court's decisions are binding in principle and in law for all other courts. 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] (High Court)

- 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] (High Court)

- 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] (High Court)

- 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] (Wafaqi Mohtasib (Ombudsman))

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Shariat Courts (Islamic law)

- 11.08 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 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. The passage of the Women's Protection Bill does not negate the possibility of Federal Shariat Court oversight in certain cases. The Federal Shariat Court could be used for any issue involving 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." [2k] (Section 1e)

- 11.09 The US State Department Report on International Religious Freedom 2009 for Pakistan (USSD IRF Report 2009), published 26 October 2009, 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 Ordinance, which criminalizes rape, extramarital sex, property crimes, alcohol, and gambling; 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, however, the Supreme Court Chief Justice 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." [2n] (Section II)

- 11.10 The Human Rights Commission of Pakistan (HRCP) report, State of Human Rights in 2007, published 29 March 2008, stated that "A significant development in 2007 was an appreciable increase in edicts/verdicts issued by Qazi [Islamic] 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)

- 11.11 The International Crisis Group (ICG) recorded in its report 'Pakistan: The Militant Jihadi Challenge', dated 13 March 2009, that "... on 16 February 2009, NWFP's Awami National Party (ANP)-led government made a peace deal, devised by the military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant group allied to the Taliban. The government agreed to impose Sharia (Islamic law) in NWFP's Malakand region, with religious courts deciding all cases after 16 February 2009..." [3a] (pii)

- 11.12 The *Daily Times* reported on 18 March 2009 that "Sharia courts in Swat began reviewing cases under Islamic laws on Tuesday [17 March 2009], as per the ceasefire agreement between the Taliban and the NWFP government, officials said. Two qazis reviewed 30 cases in Mingora, but referred all the petitioners to police for mediation or investigation... Malakand Commissioner Syed

Muhammad Javed said seven Islamic courts had begun functioning in the valley on Tuesday.” The same source added that “A senior lawyer, on condition of anonymity, said judges without the proper Islamic training had stopped going to courts with the imposition of sharia law. He said 11 civil judges, four additional civil judges, and one sessions judge had stopped going to the court.” [55f]

- 11.13 Reporting on the Nizam-e-Adl Regulation (NAR – Islamic law), the USSD IRF Report 2009 noted that despite Malakand being back in control of the NWFP government at the end of the reporting period (July 2008 to June 2009), the NAR had not yet been implemented. [2n] (Section II: Legal/Policy Framework)

See also subsections on [Hudood Ordinances](#) and [Qisas and Diyat Ordinances](#) and Section 4: [Recent Developments](#)

Anti-Terrorism Act and Courts

- 11.14 The USSD Report 2008 noted that:

“The Anti-Terrorism 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 were to be decided within seven working days, but judges were free to extend the period as required. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts. Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.” [2k] (Section 1e)

- 11.15 The USSD Report 2008 stated that “Antiterrorism courts do not grant bail if the court has reasonable grounds to believe the accused is guilty. Security forces may, without needing court approval, restrict the activities of terrorism suspects, seize their assets, and detain them for as long as one year without charges.” [2k] (Section 1d) The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, noted that “Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights.” [19a]

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Military Courts and the Army Act

- 11.16 In HRW’s report, ‘Destroying Legality: Pakistan’s crackdown on Lawyers and Judges’ published 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]

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Federally Administered Tribal Areas

11.19 The USSD Report 2008 noted that there is a separate legal system for the Federally Administered Tribal Areas (FATA), the Frontier Crimes Regulation (FCR), which:

“...recognizes the doctrine of collective responsibility. Tribal leaders were responsible for justice in the FATA. They conducted 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 oversaw proceedings and could impose prison terms of as long as 14 years. Under the FCR, FATA residents may appeal judgments within the civil bureaucracy. Some observers faulted the procedures for not allowing cases to be heard on appeal by the judiciary.

“Human rights NGOs also 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.

“Reports of religious extremists and militants forming parallel administrations, including justice administrations, in FATA increased during the year. Public executions were the most visible manifestation of this trend.” [2k] (Section 1e)

See also subsection [Sharia Courts \(Islamic Law\)](#) and Section 8: [Security situation](#)

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Tribal Justice System

11.20 The USSD Report 2008 stated that:

“Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. In Pashtun areas, such councils were held under the outlines of the Pashtun Tribal Code. Under the 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.” [2k] (Section 1e)

11.21 The Society for the Protection of the Rights of the Child report, *The State of Pakistan's Children 2008*, published May 2009 (SPARC Report 2008), stated that:

“The jirga system is a constitutionally recognised parallel judiciary. It is operational in the FATA and is controlled by the Frontier Crime Regulations (FCR). The Constitution of Pakistan acknowledges these ‘Jirgas’ as substitutes for the Supreme and High Courts, meaning that the judiciary or judicial systems and the laws applicable to the rest of the country are not available to them. Pakistan is a semi-feudal society, with powerful feudal lords. The supreme heads of the communities (Biradaries) make their own laws, their own system of justice (jirgas and panchayats) in which honour is perceived differently from the formal laws. In Pakistan, the Jirga system operates at the informal level in all the four provinces of Pakistan. Some of the features of its operation might differ from the Jirgas in other parts of the

country but the principles and structures follow the same pattern. Its deep impact and influence is also felt in the cities, which are, extensions and composites of the rural settings.” [71e] (p36)

- 11.22 The Asian Human Rights Commission (AHRC) noted in its report, *The State of Human Rights in Pakistan – 2008* (AHRC Report 2008), published 11 December 2008, that:

“In a tribal court, witnesses and hearsay are the primary form of evidence and a verdict often rests on the reputation or power of a witness. Women are automatically considered sexually corrupt and their testimonies carry little weight. During a session spectators will gather and they tend to pick a side, after which they will heckle and pressure the decision makers. Needless to say, the most popular verdict may not always be a just one; it is difficult to reconcile justice with the will of an over-excited mob. Superstition also comes into play. In certain cases defendants have been told to walk on hot coals and if they feel and show no pain, then they are innocent...” [52b] (p16)

- 11.23 In its 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*)

- 11.24 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*)

11.25 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)

11.26 The USSD Report 2008 noted that:

“Many tribal councils instituted harsh punishments such as the death penalty or watta-satta marriages (exchange of brides between clans or tribes). Over the past few years, there has been a growing number of reports of militants running their own courts in several tribal agencies and in Swat, and dispensing quick justice with little due process or transparency in their deliberations. The AHRC reported since 2002 more than 4,000 individuals, two-thirds of whom were women, have died by order of jirga courts in the country. Although the superior courts have declared these rulings illegal, AHRC reports that some of those involved in implementing jirgas sit in parliament.” [2k] (Section 1e)

11.27 The AHRC Report 2008 stated that:

“In the last six years over 4,000 people have died in murders sanctified by illegal jirgas or tribal courts, two thirds of them women. Their deaths have often occurred under barbaric circumstances. Many are considered Karo - kiri or 'black women', charged with having a relationship out of marriage (which is often a fabricated claim) while others are victims of rape or are suspected of planning marriages contrary to those arranged for them by their families. This type of murder has become known as 'honour killing', and due to the ease by which an unjust sentence is passed, they have become a way of resolving property disputes, particularly by male family members who resent losing property to another family through marriage.” [52b] (p14)

See also Section 23: Women, subsection [Honour killings](#)

11.28 The Human Rights Commission of Pakistan (HRCP) report, 'State of Human Rights in 2007', published 29 March 2008, stated that:

“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](#))

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INDEPENDENCE AND FAIR TRIAL

- 11.29 The Human Rights Watch World Report 2009, covering 2008 events, recorded that:

“Upon assuming power, the government released all judges detained by Musharraf and restored their salaries. Most of the 42 judges fired by Musharraf returned to work under a deal with the PPP-led government that required them to take a fresh oath of office under the constitution. However, despite repeated public assertions to the contrary, President Zardari reneged on commitments and his signed agreement with opposition leader Nawaz Sharif to restore to office deposed Supreme Court Chief Justice Iftikhar Muhammad Chaudhry, who had been arbitrarily fired and detained by Musharraf during emergency rule.” [13a] (Judicial independence)

See also Section 3: [History](#)

- 11.30 Jane’s reported in its section on Internal Affairs, updated 23 July 2009, that, on 16 March 2009, President Zardari agreed to reinstate former chief justice Iftikhar Chaudhry. Jane’s noted that “While the government had over the past year gradually returned most of the deposed judges to the bench through fresh oaths, it left out the more independent-minded of them, particularly Chaudhry.” [36g] (Pakistan People’s Party (PPP)) Iftikhar Chaudhry was formally reinstated to the post of Supreme Court chief justice at midnight on Saturday, 21 March 2009. (BBC News, 22 March 2009) [35n] The Freedom House *Freedom in the World 2009 Country Report* stated that “In June [2008], under the new government, the Supreme Court was expanded from 16 to 29 judges; by year’s end, 5 of the 13 dismissed Supreme Court judges were reinstated, 3 retired, and 5 remained off the bench, including Chaudhry.” [19a]

See also Section 4: [Recent developments](#)

- 11.31 The USSD Report 2008 stated with regard to the judiciary’s independence:

“The law provides for an independent judiciary; in practice, however, the judiciary was subject to executive branch influence at all levels. This influence was exacerbated in the wake of the 2007 state of emergency when the judges of the Supreme Court and the provincial high courts were dismissed and only allowed back on the bench if they swore a new oath on a Provisional Constitutional Order [PCO] instituted during the state of emergency... Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government’s control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. There were extensive case backlogs in both the

lower and superior courts. As of November [2008], the Sindh District and Sessions Courts had a backlog of 120,000 cases; as of September the Peshawar High Court had a backlog of 13,000 cases; and as of October 31, the Supreme Court had a backlog of 16,596 cases.” [2k] (Section 1e)

11.32 The same report added:

“The civil, criminal, and family court systems provide for open trial, 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, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. A case started over when an attorney changes.” [2k] (Section 1e)

11.33 The *PakTribune* reported on 5 May 2009 that according to Pakistan Supreme Court Registrar, Dr Faqir Hussain, there were pending 19,055 cases in the Supreme Court, the Federal Shariat Court 2,092, the Lahore High Court 84,704, the High Court of Sindh 18,571, the Peshawar High Court 10,363 and the High Court of Balochistan 4,160. He said a total of 1,565,926 cases were pending before the subordinate judiciary, including the NWFP 187,000, Balochistan 7,664, Sindh 144,942 and Punjab 1,225,879. [97a]

11.34 The Freedom House *Freedom in the World 2009* Country Report on 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. Under the military government, the Supreme Court was brought under the control of the executive.” [19a]

11.35 With regard to cases dealt with by the National Accountability Bureau (NAB), the USSD Report 2008 observed that “Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB did not prosecute serving members of the military or judiciary. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees.” [2k] (Section 1e)

For further information on the NAB see [Section 18: Corruption, subsection the National Accountability Bureau \(NAB\)](#)

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Double jeopardy

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

“We [the 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]

11.37 The same letter noted that:

“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]

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PENAL CODE

Text of Penal Code

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

Qisas and Diyat Ordinances

- 11.39 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)

- 11.40 The USSD Report 2008 recorded that “Human rights groups criticized the legislation because it allows 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.” [2k] (Section 1e)

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

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Blasphemy Laws

- 11.41 The USSD International Religious Freedom Report 2009 (USSD IRF Report 2009) observed in its introductory section that “Freedom of speech is constitutionally, ‘subject to reasonable restrictions imposed by law in the interest of the glory of Islam’.” It further noted in Section II that “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 ten years’ imprisonment for insulting another’s religious feelings.” [2n] (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](#)

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Hudood Ordinances

- 11.42 The Human Rights Commission of Pakistan, accessed 13 October 2008, cited a report published 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]
- 11.43 The Freedom House *Freedom in the World 2009* Country Report on Pakistan noted 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]
- 11.44 The USSD Report 2008 noted that “Before the 2006 Women’s Protection Act, the Hudood Ordinances allowed Koranic punishments for violations of Shari’a (Islamic law), including amputation and death by stoning. There were no reports that authorities imposed such punishments during the year [2008].” [2k] (Section 1c)
- 11.45 The USSD Report 2007 added:
- “The bill [Women’s Protection Act] 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)
- 11.46 The USSD Report 2006 noted that:
- “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)
- 11.47 The Human Rights Commission of Pakistan noted in its report, *The State of Human Rights in 2008* (HRCP Report 2008), published 1 April 2009, that

“In order to award the ‘Hadd’ punishment, the evidence of a non-Muslim can only be accepted if the accused is also non-Muslim. In addition, Muslims are liable for stricter penal sanctions than non-Muslims for the same crime e.g. Hadd for rape and zina. Muslims can be stoned to death, while non-Muslims receive 100 lashes. So far, though, Hadd punishment has not been carried out against anyone.” [27e] (p73, **Freedom of thought, conscience and religion**)

- 11.48 The USSD Report 2008 noted, despite the introduction of the Women’s Protection Act on 1 December 2006, that:

“According to the Aurat Foundation, approximately 66 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. With the enactment... [of the] Women’s Protection Act, women are not supposed to be arrested for rape 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 Act, authorities released from prison 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.” [2k] (**Section1d**)

- 11.49 On the release of women imprisoned under the Hudood Ordinance, the USSD IRF Report 2009 stated that “Approximately 2,500 women have been released... Many were unable to return to their homes because of social ostracism. A few others remained in custody, and most were housed in government-run shelters. The women, who were arrested under the Hudood Ordinance on charges of fornication, adultery, and possession of liquor, are now having their cases heard under the Women’s Protection Bill.” [2n] (**Section II**)

See also Section 19: Freedom of Religion: [Hudood Ordinances](#), and Section 23: Women: [Women’s Protection Act](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that the Pakistani authorities did not always comply with the laws prohibiting arbitrary arrest and detention. 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 when 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, if police show such detention is material to the investigation. In practice, however, authorities did not fully observe these limits on detention...” [2k] (Section 1d)

- 12.02 The USSD Report 2008 continued:

“The district coordination officer may order preventive detention for as long as 90 days and may extend the detention for an additional 90 days with court approval. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. In corruption cases, the National Accountability Bureau (NAB) may hold suspects indefinitely provided judicial concurrence is granted every 15 days.” [2k] (Section 1d)

- 12.03 On availability of bail and the legal process the same source noted that:

“The law stipulates detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for nonbailable 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 approximately 50 percent of the prison population was awaiting trial.” [2k] (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. [38]

- 12.05 The USSD Report 2008 also noted that:

“Special rules apply to cases brought by the NAB [National Accountability Bureau] or before antiterrorism courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be

prosecuted. The NAB did not prosecute serving members of the military or judiciary.” [2k] (Section 1d)

See Section 9: Security Forces; Police, subsection [Arbitrary Arrest and Detention](#); Section 11: [Judiciary](#), subsections [Anti-Terrorist Act and Courts](#), and [Independence and Fair Trial](#); Section 19: [Religious Freedom](#), subsection [Legal procedure for blasphemy charges](#) and Section 33: [Exit Control List](#)

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13. PRISON CONDITIONS

13.01 The Asian Centre for Human Rights (ACHR) South Asia Human Rights Index 2008 recorded that in 2007, 89,542 prisoners occupied 82 jails, the majority of whom were awaiting trial. [67b] (p78) The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that "Prison conditions were extremely poor and failed to meet international standards. Overcrowding was widespread, except for cells of wealthy or influential prisoners. According to SHARP [Society for Human Rights and Prisoner's Aid], nearly 90,000 prisoners occupied 87 jails originally built to hold a maximum of 36,075 persons." [2k] (Section 1c)

13.02 The Human Rights Commission of Pakistan (HRCP) recorded in its annual report, State of Human Rights in 2008 (HRCP Report 2008), published 1 April 2009, that "...the capacity for prisoners in 20 jails of Sindh was 9,000 but over 20,000 prisoners were kept there..." The report added that 59,000 prisoners were detained in 32 prisons in Punjab which were meant for detaining no more than 21,000. [27e] (p54, Jails, prisoners and 'disappearances')

13.03 The USSD Report 2008 added that:

"There were reports of prison riots, largely due to the poor living conditions inside prisons. For example, on September 15 [2008], inmates rioted after authorities refused to allow death-row inmate Muhammad Yousaf to attend his mother's funeral and beat him in front of other prisoners for making the request. The Sindh prisons inspector suspended both the jail deputy superintendent and assistant superintendent because of the riots.

"On October 4 [2008], prisoners in Hyderabad central jail rioted over a lack of basic facilities and alleged official corruption. More than 1,000 prisoners broke out of their cells and protested both the solitary confinement of 40 prisoners and basic conditions of confinement. Police injured four inmates in the clashes. Prisoners only ended their siege after they received a written statement from officials ensuring they would not be tortured. The Sindh attorney general promised an investigation of allegations of torture.

"In October, rioting also erupted in the Karachi, Multan and Timergara prisons. According to Global Foundation (GF), an NGO working on prison issues, 20 deaths were reported in Rawalpindi's Adiala Prison through August due to lack of basic facilities." [2k] (Section 1c)

13.04 The SPARC report, The State of Pakistan's Children 2007 (SPARC Report 2007), published May 2008, noted that:

"Prisoners in Pakistan, especially those on death row, live in cramped, overcrowded cells and often face abuse. The death row cells are usually small rooms that have attached toilets and are cordoned off by walls that are approximately three feet high. On occasions, as many as 12 inmates have to crowd into one cell, charge rights groups. A survey by the Law and Justice Commission of Pakistan, an advisory body to the government, says three to six prisoners are usually kept in a single death cell." [71d] (p108)

See also Section 14: [Death Penalty](#)

13.05 The USSD Report 2008 noted that:

“The International Committee of the Red Cross (ICRC) had an agreement with the authorities on independent visits to prisons throughout the country, but this understanding was only partially honored, and ICRC visits were not taking place in the provinces of Punjab and Balochistan at the end of the year. Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and women inmates, but visits of prison conditions for male inmates, whose conditions were poorest, took place rarely and on an ad hoc basis... Prison officials kept child offenders in the same facilities as adults but in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population.” [2k] (Section 1c)

13.06 The USSD International Religious Freedom Report 2009 (USSD IRF 2009) reported that:

“Police reportedly tortured and mistreated those in custody, and at times, engaged in extrajudicial killings. It was usually impossible to ascertain whether adherence to particular religious beliefs was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates, including a lack of access to spiritual resources. Conversion to other minority religious groups generally took place in secret to avoid a societal backlash.” [2n] (Section II: Abuses of Religious Freedom)

13.07 The HRCP Report 2008 recorded that “At least 76 prisoners died in jails across the country during 2008, torture was alleged in many cases. At least 163 prisoners were injured during the year.” [27e] (Highlights: Jails, prisoners and ‘disappearances’)

13.08 On 3 January 2009, the *Daily Times* reported on the imminent opening of a church at Adiala Jail in Rawalpindi. Adiala Jail would become the first prison to have a church open on its premises. It was expected that over 250 Christian prisoners would visit the church. A visitor to Adiala Jail stated that, with the government’s financial and administrative support, Christians intended to open other churches in prisons across the province. [55a]

See also Section 19: [Christians](#)

13.09 The USSD Report 2007 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)

- 13.10 The USSD Report 2008 added that “Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers.” [2k] (Section 6c)

See also Section 24: Children, subsection [Judicial and penal rights](#) for information on prison conditions for children

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14. DEATH PENALTY

- 14.01 Pakistan retains the death penalty for ordinary crimes (Amnesty International, *Death Penalty: Abolitionist and Retentionist Countries*, accessed 3 July 2009) [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, *Enforcing the International Prohibition on the Juvenile Death Penalty*, 30 May 2008) [13e] (p16) The USSD Report 2008 added “The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad.” [2k] (Section 2c) The Foreign and Commonwealth Office Human Rights Annual Report 2008 (FCO Annual Report 2008), published 26 March 2009, stated that “The majority of condemned prisoners are those convicted under trials that do not comply with minimum standards. Pakistan sanctions the death penalty for 27 offences, most of which go beyond the scope of the expression used in the ICCPR [International Covenant on Civil and Political Rights] as most serious crimes.” [11e] (p154)
- 14.02 The FCO Annual Report 2008 stated that the number of executions in Pakistan were on the increase and estimated that approximately 7,000 people were being held on death row. [11e] (p154) The Human Rights Commission of Pakistan estimated that in 2008 approximately 7,500 prisoners were on death row. During the year 237 people were sentenced to death and 36 were reported to have been executed. (State of Human Rights in 2008, 1 April 2009) [27e] (Highlights: Jails, prisoners and ‘disappearances’) In addition, “Three men and two women were stoned to death in Pakistan in 2007 and in the first six months of 2008, but in extra-judiciary cases, tried by a tribal jury.” (Hands Off Cain 2008 Report) [77]
- 14.03 Prime Minister Yousuf Gillani announced on 21 June 2008 that death sentences would be commuted to life imprisonment. Of the 36 executions that occurred in 2008, 16 reportedly took place after the commutation was announced. Despite this announcement, in November 2008 President Zardari issued an ordinance extending the death penalty to cyber crimes resulting in death. (Amnesty International Report 2009, Pakistan, May 2009) [4d] (Death Penalty) Regarding the commutation of the death penalty, Human Rights Watch recorded in its World Report 2009 (HRW Report 2009) that “In a July [2008] meeting with Human Rights Watch the prime minister again emphasized his intention to commute the death sentences. Between the June announcement and this writing in late 2008, however, 15 more people were executed, according to the Human Rights Commission of Pakistan.” [13a] (Death Penalty) The HRW Report 2009 added that “Pakistan's Law Ministry appears to be stalling the commutation of death sentences and blocking proposals to limit the applicability of the death penalty.” [13a] (Death Penalty) The FCO Annual Report 2008 noted that “The Supreme Court is currently considering whether this commitment can be upheld for those convicted by Shari’a courts.” [11e] (p155)

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“The law provides the majority of its citizens with the right to change their government, and the country held national and provincial elections during the year that brought opposition parties to power. The Federally Administered Northern Areas, FATA, and Azad Kashmir were subject to unique systems. The president retained the power to dissolve parliament... codified in constitutional article 58(2)b.

“The residents of the Federally Administered Northern Areas, which include Gilgit and Baltistan, did not have representation in the national parliament. An appointed civil servant administered these areas, and an elected Northern Areas Legislative Council served in an advisory capacity without legislative power. The government administers the Northern Areas under the Legal Framework Order of 1994. According to the ICG, this administrative instrument is used to strengthen federal control over the region while denying its residents basic political and civil rights.

“Residents of the FATA are overrepresented in national parliament but do not have a voice in federal decision-making over the tribal areas, an authority that belongs to the president. Tribal residents did not have the right to change their local government, as unelected civil bureaucrats nominally run the tribal agencies. The Elected Councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. The Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Some political parties asserted that this rule was void, since religious-based parties such as Jamiat Ulema-e-Islam (JUI) and Jamaat-e-Islami (JI) openly campaigned in the FATA despite the law.

“Azad Kashmir is subject to its own constitution, which allows for a legislative assembly and a prime minister but prohibits parties and candidates from contesting elections if they do not support Kashmir's accession to the country, according to a 2006 HRW report. Despite nominal representation for Azad Kashmir, the federal government in fact controls significant decision-making in the area, according to HRW's report. Under the Kashmiri constitution, authority over 52 critical policy areas is ceded to the Azad Kashmir Council in Islamabad, whose composition favors the federal government numerically. The federal government also can dismiss arbitrarily the elected Kashmiri legislative assembly.” [2k] (Section 3)

- 15.02 The US Department of State's International Religious Freedom Report (USSD IRF Report) 2009 recorded that:

“The Government did not restrict the formation of political parties based on a particular religious group, religious belief, or interpretation of religious doctrine. The Government monitored the activities of various Islamist parties and affiliated clergy due to prior links to terrorist and extremist organizations. There

are reserved seats for religious minority members in both the national and provincial assemblies. The seats are allocated to the political parties on a proportional basis determined by their overall representation in the assembly. The National Assembly has 10 members of minority religious groups, and minorities are represented in most tiers of local government, including union councils, tehsil councils, and district councils. Minorities were also elected to the provincial assemblies: three non-Muslims in the NWFP, eight in Punjab, nine in Sindh, and three in Balochistan.” [2n] (Section II: Legal/Policy Framework)

15.03 The USSD Report 2008 continued:

“On February 18 [2008], the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Prime Minister Yousuf Gilani. The elections were postponed multiple times, the last of which was due to the assassination of PPP leader Benazir Bhutto in December 2007. In the September 6 [2008] indirect presidential election, Asif Ali Zardari, widower of Bhutto, became president succeeding Pervez Musharraf, who had resigned on August 18. The PPP and its coalition partners took control of the executive and legislative branches of the national government and three of the four provincial assemblies. PML-N took control of the Punjab provincial assembly. PML-N, originally the PPP's largest partner in the national government, withdrew from the coalition on August 25 ostensibly due to PML-N's insistence that judges deposed during the 2007 state of emergency be reinstated to their original positions.

“International and domestic observers found the February parliamentary election to be competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process. The government permitted all existing political parties to contest the elections. The largest political parties participated. Pakistan Tehreek-e-Insaaf (PTI), some Baloch parties, and several parties from the Muttahida Majlis-e-Amal (MMA) coalition were among those that staged a boycott... The network of civil society organizations known as the Free and Fair Election Network (FAFEN) documented intimidation of voters and political parties by security services and local landowners throughout the country prior to the election. In particular, their observers noted that police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did not allow rallies for opposition parties and pressured individuals to vote for PML-Q. FAFEN also documented cases in which intelligence services pressured candidates to withdraw.

“On election day, some voters were disenfranchised or were subject to intimidation. Women were barred from voting in four polling stations in NWFP and FATA and one in Sindh Province and were discouraged in others. The turnout of women was depressed throughout the country, even at female polling stations.” [2k] (Section 3)

See [Political system](#) and [Freedom of speech and media](#)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.04 The USSD Report 2008 noted that “The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law.” [2k] (Section 2b)

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

”Although the constitution provides for this right, in practice the government placed selective restrictions on the right to assemble. By law, district authorities can prevent gatherings of more than four people without police authorization. Separately, Ahmadis have been prohibited from holding conferences or gatherings since 1984. Unlike in 2006, there were no reports the government permitted banned religious extremist organizations to hold rallies during the year. Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists, and journalists.” [2k] (Section 2b)

15.06 On freedom of association, the same report added:

”The constitution provides for the right of association subject to restrictions by law. NGOs are required to register with the government. According to Freedom House, fewer than half of the approximately 100,000 NGOs in the country were registered. No prominent NGO reported problems with the government due to registrations during the year. Some continued to operate without registering and were not prosecuted. The NGO community protested a voluntary code of conduct promulgated in early 2007 by the Ministry of Social Welfare and Special Education, according to Freedom House. The code gives the government powers to regulate NGO activity, change the groups' staff or management, and freeze the assets of organizations that do not comply. In practice, the code has not been enforced and has not impeded the work of NGOs.” [2k] (Section 2b)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.07 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, observed that:

”The [former] Musharraf government [replaced in February 2008] continued to constrain opposition party activity through mass arrests and preventative detention in 2007 and early 2008, and although the 2008 elections marked a distinct improvement over those held in 2002, they were not completely free and fair. State resources and media were used to support progovernment parties and candidates, and inaccuracies in the voter rolls that were noted in 2002 were not corrected. The voting results were generally not displayed at each polling station, allowing for rigging in some areas as the overall constituency results were tallied; the European Union observer mission noted suspicious results in a number of constituencies. Opposition party workers, particularly from the PPP, faced criminal charges and other forms of preelection harassment in addition to police intimidation on election day itself. More than 100 people were killed in attacks on political gatherings or in clashes between party activists during the campaign period. On the positive

side, private media and civil society groups such as the Free and Fair Election Network (FAFEN) played a significant watchdog role, publicizing incidents of violence and otherwise monitoring the conduct of the balloting alongside foreign observers. Moreover, despite the restrictions and irregularities, an opposition coalition managed to take power after a competitive contest, and the overall result reflected the will of the people.” [19a]

15.08 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 8: Security Situation](#) and [Annex B: Political organisations](#)

16. FREEDOM OF SPEECH AND MEDIA

- 16.01 Reporters Without Borders (Reporters Sans Frontiers – RSF) noted in its World Report 2009, published 1 May 2009, that:

“Though the 1973 Constitution guarantees press freedom, the law still contains a number of articles allowing journalists to be sentenced to prison terms for offences including ‘defamation’, ‘immorality’ and insulting Islam or the sovereignty of the country. Even though no journalist is currently in prison for this reason, it is not unusual for reporters to be ‘questioned’ for several hours by the secret services.” [23c]

- 16.02 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted:

“The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues. The government often impeded criticism, however, by monitoring political activity and controlling the media. A government ordinance to restrict the freedom of television and radio imposed during the 2007 state of emergency remained in effect, but the new government did not enforce it. Journalists and their families were arrested, beaten, and intimidated, leading many to practice self-censorship.” [2k] (Section 2a)

- 16.03 Freedom House ranked Pakistan 136 out of 195 countries in its Freedom of the Press 2009 Table of Global Press Freedom Rankings, published 1 May 2009, covering 2008 events. Although Freedom House rated Pakistan’s press freedom status as “Not free”, key findings saw improvements in the country. [19c] Reporters Without Borders ranked Pakistan 159 out of 175 countries in its Press Freedom Index 2009, covering events from 1 September 2008 to 31 August 2009, and stated that “Despite having dynamic news media, Pakistan... is crippled by murders of journalists and the aggressiveness of both the Taliban and sectors of the military. It shared (with Somalia) the world record for journalists killed during the period under review.” [23d]

- 16.04 On 13 March 2009 Reporters Without Borders condemned the Pakistan government for suspending the transmissions of television stations Geo News and Aaj TV in several major cities. The suspensions came amid demonstrations and protest marches by lawyers and opposition activists across the country demanding the reinstatement of judges sacked by President Musharraf in 2007. [23b]

- 16.05 The USSD International Religious Freedom 2009 Report (USSD IRF 2009) observed, in particular with regard to religion and the blasphemy laws, that:

“Freedom of speech is subject to ‘reasonable’ restrictions in the interest 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. Some individuals bring charges under these laws to settle personal scores or to intimidate vulnerable Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorism Act, any action, including speech, intended to incite religious hatred is punishable by up to seven years’ imprisonment. Under the act, bail is not to be granted if the judge

has reasonable grounds to believe the accused is guilty; however, the bail provision of the law is selectively applied.

“Any speech or conduct that injures another's religious feelings, including those of minority religious groups, is prohibited and punishable by imprisonment. In cases in which a minority group claimed its religious feelings were insulted, however, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system. A 2005 law requires that a senior police official investigate any blasphemy charge before a complaint is filed. According to nongovernmental organizations (NGOs), this law was not uniformly enforced.” [2n] (Section II: Legal Policy/Framework)

16.06 The USSD Report 2008 added that “The Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. According to Intermedia, there were seven cases of crackdowns on radical publications during the year: three in Punjab, and two each in NWFP and Sindh.” [2k] (Section 2a)

16.07 The BBC News Country Profile: Pakistan, updated on 5 October 2009, observed that:

“Television is the dominant medium, and there are around 50 private channels. The overwhelming majority of viewers receive them via cable. There are no private, terrestrial stations. More than 100 private FM radio stations have been licensed. They are not allowed to broadcast their own news programmes. Scores of unlicensed FM stations are said to operate in the tribal areas of North-West Frontier Province. They are usually operated by clerics. Some of them are accused of fanning sectarian tension.

“The government uses legal and constitutional powers to curb press freedom. Private TV news channels were closed under a state of emergency in late 2007, and the law on blasphemy has been used against journalists.

“Pakistan's press is among the most outspoken in South Asia, although its influence is limited by a literacy level of around 50%.

“World telecoms body the ITU estimated in March 2008 that there were 17.5 million internet users. The authorities filter some websites. A growing number of bloggers write about politics.” [35r] (Media)

16.08 The Committee to Protect Journalists (CPJ) recorded in its ‘Attacks on the Press in 2008: Pakistan’, released on, 10 February 2009, that “Though circulation of newspapers and magazines in 11 languages held steady during the Musharraf regime, the growth of broadcast news was notable. More than 25 all-news stations operated in 2008, with many others carrying news shows along with general programming. Almost all were available across the country on cable.” [22b]

16.09 The USSD Report 2008 noted:

“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, the official carrier of government and international news to the local media.

The few small privately owned wire services practiced self-censorship. The military had its own press wing, Inter Services Public Relations, as well as two sections to monitor the press. There were no newspapers published in the FATA. Owners of newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within Azad Kashmir. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

“Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas allowing them to work as journalists. The government directly owned and controlled Pakistan Television and Pakistan Broadcasting Corporation, which ran radio stations throughout the country. Both reflected government views in news coverage... Changes made by the former government that increased executive control over the print media remained in effect... Foreign books must pass government censors before being reprinted, but in practice there were no reports of book bans during the year. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

“Obscene literature, a category the government defines broadly, was subject to seizure. Television and radio stations broadcast dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality.” [2k] (Section 2a)

- 16.10 The USSD IRF Report 2009 added “The Government does not restrict religious publishing in general; however, the sale of Ahmadi religious literature is banned. The law prohibits publishing any criticism of Islam or its prophets or insults to another's religious beliefs.” [2n] (Section II: Legal Policy/Framework)
- 16.11 Reporters Without Borders (Reporters Sans Frontières – RSF) reported in its World Report 2008 for Pakistan that:
- “The government in June [2007] 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. It gave the PEMRA the right to seize TV equipment, to close installations and cancel licences for any violation of the law... Under these amendments, it was totally forbidden to all media to broadcast footage or news about a suicide-bombing (the terrorist, his claims or the victims); to make remarks prejudicial to the ideology, sovereignty, integrity or security of Pakistan; to broadcast any news ridiculed the head of state, the army and institutions; or to refer to ongoing judicial proceedings.” [23a]
- 16.12 However, the USSD Report 2008 stated “The PPP government did not enforce restrictive amendments to the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance that the previous government promulgated.” [2k] (Section 2a)
- 16.13 It was reported on 11 April 2008 that the Information Minister, Sherry Rehman, had “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) [35q] On 13 March 2009 Information Minister Sherry Rehman resigned following a ban on broadcasts by some of Pakistan's private TV channels, imposed by Pakistan's Electronic Media Regulatory Authority [PEMRA]. (*Daily Times*, 14 March 2009) [55q]

16.14 On 3 November 2009 Reporters Without Borders reported that it was:

"... extremely concerned about two rulings clamping down on electronic media that represent a very serious backward step. Pakistan Electronic Media Regulatory Authority (PEMRA) has ordered some radio stations not to broadcast BBC Urdu-language news programmes, while Parliament is preparing to ratify drastic censorship dating from the era of General Pervez Musharraf... The parliamentary information committee chaired by an MP from the ruling Pakistan People's Party (PPP) on 29 October [2009], decided that legal provisions on electronic media set out in November 2007, should be incorporated into the law under PEMRA control. These articles ban TV stations from broadcasting footage that could 'disturb the public order' including statements from extremist groups, or those ridiculing or defaming the head of state, the armed forces or the judicial system. Programme presenters are targeted in clause 6 that bans them from putting out any news 'prejudicial to Pakistan's ideology' and state sovereignty... The federal information ministry has reportedly assured the BBC that it would intervene with PEMRA so the broadcasts can resume." [23e]

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16.15 The USSD Report 2008 noted that:

"... there were 40 attacks against the media and journalists as of December 23, according to the NGO Intermedia. At least 13 journalists were killed and 40 abducted or arrested (only one arrest was reported after the PPP-led coalition took over the government). There were 118 cases of intimidation, and four attacks on media property. Approximately 89 journalists and media organizations had ongoing cases in court. During the year media outlets, journalists, and journalists' families were the targets of attacks and intimidation by security forces, political parties, militants, and unidentified groups. Journalists were also abducted. Newspapers frequently criticized the government, political leaders, and military operations. Media outlets that did not self-censor were at times the targets of retribution." [2k] (Section 2a)

16.16 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, noted that:

"The physical safety of journalists continues to be a matter of concern, and at least six journalists were murdered in 2008. On a number occasions, security forces 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 FATA were particularly difficult during the year, with a number of local and

foreign correspondents detained, threatened, expelled, or otherwise prevented from covering events there, either by the Taliban and local tribal groups or by the army and intelligence services.” [19a]

- 16.17 The Human Rights Watch World Report 2009 stated that “Journalists continue to face pressure and threats from non-state actors and elements of Pakistan's intelligence apparatus, but there has been a marked decrease in government-sponsored attacks since Musharraf was forced to step down. The elected government revoked sweeping curbs on the media put in place by Musharraf.” [13a] (Freedom of expression)

- 16.18 Reporters Without Borders World Report 2009 noted that:

“Journalists have been forced into self-censorship in the Swat valley [North West Frontier Province] where the government agreed to the application of Sharia law demanded by the Taliban in exchange for a halt to the fighting there. They have fallen victim to the terror sown by the Taliban through their illegal FM radios. It was in this valley that journalist Mosa Khankhel was brutally murdered in 2009, while he was actually covering the peace agreement.

“The very few journalists in the tribal areas are at the mercy of the Taliban who try to get them to report favourably on their ‘Jihad’, while the army and local authorities react badly to any news reports suggesting failings in the ‘war against terror’...

“The Pakistan army, particularly the secret services secrets (ISI and Military Intelligence) threaten journalists who report on abuse of authority and on disappearances, particularly those of hundreds of Balochistanis that occurred under the Pervez Musharraf regime. It is difficult to investigate safely in Balochistan, Pakistani Kashmir and the tribal areas.” [23c]

- 16.19 The RSF and the Committee to Protect Journalists (CPJ) reported a number of incidents of arrests, kidnapping, killing of and threats against journalists in Pakistan during 2008 and 2009 (see the [RSF](#) and [CPJ](#) website sections on Pakistan). [RSF – 23b; CPJ – 22a]

See section 4: [Recent Developments](#)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 The US State Department Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials of the new administration were cooperative but only somewhat responsive to the groups' views.

“The government sought NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported they generally had good access to police stations and prisons.

“The HRCP investigated human rights abuses and sponsored discussions on human rights issues during the year. In November the HRCP reported that NGOs were subject to militant threats, particularly in Peshawar.

“The government permitted international non-governmental human rights observers to visit the country and generally cooperated with international governmental human rights organizations. The ICRC and many agencies of the UN had offices in the country, including UNHCR, UNICEF, and UNDP.

“On November 3 [2008], the government created the Ministry of Human Rights. Once part of the Ministry of Law and Justice, the new ministry became a distinct federal agency.” [2k] (Section 4)

- 17.02 On 22 March 2009, IRIN reported that:

“Insurgents in Pakistan's volatile Swat Valley in North West Frontier Province (NWFP) who recently made a peace deal with the government now want all NGOs to leave the area. ‘They come and tell us how to make latrines in mosques and homes. I'm sure we can do it ourselves. There is no need for foreigners to tell us this,’ Muslim Khan, a spokesman for Tehrik-e-Taliban Pakistan (TTP), told IRIN from Swat Valley...” The report also noted that “... the TTP was against polio vaccination, repeating unfounded allegations that the vaccine causes infertility.” [41g]

- 17.03 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, 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, attacks, and a number of murders by Islamic extremists, 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 temporarily in November 2007, when a number of leading activists were jailed or placed under house arrest, but improved following the political changes in early 2008. Apart from secular NGOs, Pakistan contains a large number of

charitable or cultural organizations, such as the Jamat ud Dawa, that have links to Islamist extremist groups.” [19a]

17.04 BBC News reported on 2 June 2009 that:

“A Pakistani court has ordered the release of the leader of an Islamic charity suspected of being a front for a group accused of the Mumbai attacks. The court ruled the continued house arrest of Jamaat-ud-Dawa founder Hafiz Mohammad Saeed was unconstitutional. The charity is accused of being a front for Lashkar-e-Taiba, the group India says was behind the attacks. Jamaat-ud-Dawa denies any links with militants.” [35u]

See also [Annex C: Terrorist and extremist groups](#)

17.05 The USSD Report 2008 observed that “Criminal groups, some with ties to militant groups, expanded extortion and kidnapping activities throughout the country...[amongst others] foreign nationals... and NGO workers were among those targeted.” [2k] (Section 1g)

17.06 IRIN reported on 2 June 2008 on the concern for the security of humanitarian aid workers following the kidnapping of a World Health Organisation (WHO) official in NWFP. The article noted:

“The issue of safety for humanitarian workers has already hampered access to communities most in need of help in various parts of Pakistan, particularly the NWFP and parts of the vast, southwestern province of Balochistan, which has faced a law-and-order problem for many years, aid workers say. NGOs have had to deal with a spate of attacks in Pakistan. At least seven NGOs in the NWFP were targeted in 2007, including CARE International, which has been engaged in relief work since the earthquake of October 2005 that killed at least 73,000. Attacks on the NGO's offices in Battagram and Allai in July and October 2007 led to CARE suspending some projects or leaving them to be implemented by local partners. The organisation also moved its offices from areas such as Allai. In February 2008, four workers died during an attack in Mansehra, NWFP, on the offices of the British NGO, PLAN, which then suspended its projects in Pakistan. There have also been attacks on polio teams, schools, teachers and others providing humanitarian help across the NWFP. NGOs have received threatening letters and edicts have been issued against them.” [41d]

17.07 The same article quoted Qari Shakeel, of the Tehrik-e-Taliban (Movement of Islamic Students), as saying “Apparently these NGOs come here to help us on different fronts, but their actual motives are different. They come here to protect and promote the interests of the West. They give our children toffees but actually they strive to distance them from our religion. This is not acceptable to us. So we are not going to let these people turn our children into infidels.” The report noted that the kidnapped WHO official was released 24 hours after his abduction. [41d]

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18. CORRUPTION

18.01 In its 2009 Corruption Perceptions Index (CPI), Transparency International ranked Pakistan 139th in the world corruption ranking, out of 180 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). [76]

18.02 The USSD Report 2008 noted in its introduction that “Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem.” [2k] The same report added “The law imposes criminal penalties for official corruption; the government did not implement the law effectively in practice, however, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread... The Worldwide Governance Indicators of the World Bank reflected corruption was a severe problem.” [2k] (Section 3)

18.03 The International Crisis Group (ICG) noted in its report, *Reforming Pakistan’s Police*, dated 14 July 2008, that:

“Police officers agree that there is widespread corruption, from petty bribery at the lower rungs of the hierarchy to more substantial graft at the top. In an attempt to justify their force’s shortcomings, they blame the government for failing to take action and also for not addressing its own shortcomings. ‘How can corruption in the police go down when people known to be corrupt are made its bosses?’ asked an officer. ‘Many in the police, particularly those at the bottom of the pile, feel that when those at the top are making money right, left and centre, what incentive is there for them to remain clean?’ This is certainly no justification, but those at the top of the police hierarchy must understand that police professionalism and efficiency and the force’s public image are badly tarnished by such practices... It is nearly impossible to eliminate corruption within the police until poor salaries and working conditions are improved, particularly for personnel of and below the rank of inspector...” [3b] (p13)

See Section 9: Security forces, subsection [Police](#)

18.04 The Freedom House *Freedom in the World 2009* Country Report on Pakistan, published 16 July 2009, noted that:

“Corruption is pervasive at almost all levels of politics and government. Under Musharraf, corruption charges were frequently used to punish opposition politicians or induce them to join the progovernment PML-Q party. However, a National Reconciliation Ordinance, passed just ahead of the October 2007 presidential election, provided for an automatic withdrawal of all corruption cases filed against public officials prior to 1999. Zardari, who has been known popularly as ‘Mr. Ten Percent’ due to his reputed skimming of public contracts while his wife [former prime minister, Benazir Bhutto] was in power, spent eight years in prison on corruption charges, although none have ever held up in court. In March 2008, the last outstanding charge against him in Pakistan was dropped, enabling his more active participation in politics; Swiss charges against him were dropped in August [2008].” [19a]

- 18.05 On 21 November 2009 a list containing the names of thousands of people who were protected from corruption charges under the National Reconciliation Ordinance (NRO) was published by the government. In a news conference, Minister of State for Law, Afzal Sindhu, stated that “A total of 8,041 people benefitted from NRO, including President Zardari”. More than 30 other politicians were also named on the list. (Agence France Presse (AFP), 21 November 2009) [96a]
- 18.06 The NRO lapsed on 28 November 2009. AFP reported on 1 December 2009 that “On July 31, the new supreme court set a November 28 deadline for the NRO to be approved by the parliament or else it would lapse. But the government is seen as too weak to win an extension. Last month the administration tabled the ordinance in parliament but quickly withdrew it after sensing political opposition was too strong.” [96b]
- 18.07 *Dawn* reported on 2 December 2009 that the Supreme Court had fixed the date of 7 December 2009 to hear petitions challenging the NRO, stating that it “...violates the fundamental rights of the people, especially Article 25 (equality of citizens), is against political justice and also contravenes the United Nations Convention against corruption of which Pakistan is a signatory.” The beneficiaries of the NRO will have to await the Supreme Court’s outcome before a decision is made on their future with regards to pending corruption charges. [42g]

See also Section 9: Security Forces, subsection: [Police](#); and [Section 11: Judiciary, subsection Independence and Fair Trial](#)

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National Accountability Bureau (NAB)

- 18.08 The *Freedom in the World 2009* Country Report on Pakistan stated that “A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau and established special courts to try corruption cases.” [19a]
- 18.09 The Homepage of NAB’s website, accessed 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]
- 18.10 The USSD Report 2008 noted that “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 were expected to try cases within 30 days. In accountability cases, there was a presumption of guilt.” [2k] (Section 1e)

- 18.11 *The News* reported on 14 November 2008 that the NAB had dropped all cases of corruption against politicians, both in the ruling party and the opposition. [44d]

See [Judiciary, Independence and fair trial](#)

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19. FREEDOM OF RELIGION

OVERVIEW

- 19.01 The US State Department International Religious Freedom Report (USSD IRF Report) 2009, published on 26 October 2009, covering the period 1 July 2008 to 30 June 2009, 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 that ‘subject to law, public order, and morality, every citizen shall have the right to profess, practice, and propagate his religion;’ 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 during the reporting period... [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 religious belief 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 Ahmadiyya community continued to face governmental and societal discrimination and legal bars to the practice of its religious beliefs. 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. Non-governmental actors, including terrorist and extremist groups and individuals, targeted religious congregations.” [2n] (Introduction)

- 19.02 The same source stated that “The Government took steps to bolster religious freedom during the reporting period, including efforts to end the Sunni/Shi’a violence in Kurram Agency, FATA, through negotiations and peace talks. The Government appointed Shahbaz Bhatti as Minister for Minorities Affairs and Jamshaid Rehmatullah, another Christian, as judge of the Lahore High Court. Minority groups viewed both actions as a positive sign.” [2n] (Section II) Also on a positive note, the Human Rights Commission of Pakistan report, *The State of Human Rights in 2008*, (HRCP Report 2008), published 1 April 2009, stated that “In January [2008], the federal cabinet approved the Sikh Marriage Ordinance, 2008, allowing marriages solemnised under Sikh personal law to be registered in Pakistan.” [27e] (p75, Freedom of thought, conscience and religion) The United States Commission on International Religious Freedom Annual Report 2009 (USCIRF Report 2009), published 1 May 2009, added:

“In November 2008, the government appointed prominent minority-rights advocate Shahbaz Bhatti as Federal Minister for Minorities with cabinet rank. Mr. Bhatti has publicly promised that the Zardari government will review Pakistan’s blasphemy laws and that the government is committed to protecting the rights of minority religious communities, including by implementing a five percent quota for religious minorities in federal government employment. In

March 2009, the government appointed a Christian jurist as a judge in the Lahore High Court..." [53b] (p65)

19.03 The HRCP Report 2008 also stated that it remained concerned:

"... at the high level of religious persecution by religious zealots and rising threats as well as violence perpetrated by religious militant groups. The authorities, by and large, remain unconcerned and law enforcement staff is most reluctant to take any action against religious groups or militants. While women and religious minorities bear the worst brunt of religious extremist groups, men and Muslims are not spared either. Artists, musicians and those affiliated with performing arts are at risk in all parts of the country but particularly vulnerable in the province of NWFP [North West Frontier Province]. Sectarian violence and victimisation under the blasphemy law continues. The Ahmadi community was targeted throughout but they saw worse times after a popular television station, in a talk show, declared that killing them was permissible under Islamic norms. This was followed by the killing of three Ahmadis in Sindh in the month of September... Many minorities were forced to switch to Muslim names and even hide their religion to avoid harassment." [27e] (p74, **Freedom of thought, conscience and religion**)

19.04 The Asian Human Rights Commission commented in its report, *The State of Human Rights in Pakistan – 2008* (AHRIC Report 2008), published 11 December 2008, that:

"Religious freedom in Pakistan remains tremendously restricted. Those that belong to religious minorities are second-class citizens and struggle to enjoy the rights of mainstream or orthodox Muslims. Local governments also tend to court popularity by cracking down on minorities in their areas, often referring to an old blasphemy law created in colonial times. The law originally banned insults directed against any religion, but in 1986 General Zia-Ul-Haq altered it to apply only to Islam. The Federal Sharia Court then made execution a mandatory sentence for blasphemy during Nawaz Sharif's term as prime minister. The law is most often activated to discriminate against Christians and those of the Islam - based Ahmadi sect... Religious hatred can still be openly stoked in Pakistan without punishment." [52b] (p8)

See subsection below on [Ahmadis](#) and [Christians](#)

19.05 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that "Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and at times police refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity." [2k] (**Section 2c**)

19.06 The USCIRF Report 2009 stated that:

"This year [2008] also has seen the largely unchecked growth in the power and reach of religiously-motivated extremist groups whose members are engaged in violence in Pakistan and abroad, with Pakistani authorities ceding effective control to armed insurgents espousing a radical Islamist ideology. In addition, all of the serious religious freedom concerns on which the

Commission has reported in the past persist. 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 in some cases, is outright complicit. A number of the country's laws, including those restricting the rights of Ahmadis and criminalizing blasphemy, frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused... 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." [53b] (p65)

See also Section 8: [Security Situation](#)

- 19.07 The same report noted that, despite efforts by the Government since mid 2005 to register all religious schools (madrassas) and expel foreign students, "...reports indicate that the registration process has had little if any effect on the content of the schools' curricula, which remains extremist and includes exhortations to violence, and there are still no government controls on the madrassas' sources of funding." [53b] (p66)

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

Demography

- 19.08 Based on the Pakistan's most recent census conducted in 1998 the USSD IRF Report 2009 observed that:

"...approximately 97 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 of approximately 20 percent. According to the Ministry of Minorities Affairs, Sikhs have approximately 30,000 adherents and Buddhists 20,000. The number of Parsis (Zoroastrians), according to a Parsi community center in Karachi, dropped to 1,822 in 2009 as compared to 2,039 in June 2006. The Baha'i claimed that the number of Baha'is is growing in Pakistan, with approximately 30,000 adherents. The number of Ahmadis living in Pakistan, according to Jamaat-e-Ahmadiyya, is nearly 600,000, although it is difficult to establish an accurate estimate because Ahmadis, who are legally prohibited from identifying themselves as Muslims, generally choose to not identify themselves as non-Muslims. Some tribes in Balochistan and the North West Frontier Province (NWFP) practiced traditional animist religious beliefs; other religious groups include Kalasha, Kihals, and Jains.

"Less than 0.5 percent of the population, as recorded in the 1998 census, was silent on religious affiliation or claimed not to adhere to a particular religious group. Social pressure was such that few persons would claim no religious affiliation." [2n] (Section I)

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CONSTITUTION AND LEGISLATION

- 19.09 The USSD IRF Report 2009 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 religious beliefs freely; however, the Government imposes limits on freedom of religion, particularly on Ahmadis... Other religious communities were generally free to observe their religious obligations; however, religious minorities are legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, are often afraid to profess freely their religious beliefs.” [2n] (Section II: Legal/Policy Framework)

19.10 The same source added:

“Government policies do not afford equal protection to members of majority and minority religious groups. The Ministry of Religious Affairs, Zakat, and Ushr, which is primarily responsible for organizing participation in the Hajj and other Islamic religious pilgrimages, in addition to safeguarding religious freedom, claims it spends 30 percent of its annual budget to assist indigent minorities, repair minority places of worship, establish minority-run small development projects, and celebrate minority festivals. Religious minorities questioned these figures, observing that localities and villages that are home to minority citizens go without basic civic amenities. The Ministry has on its masthead a Qur’anic verse: ‘Islam is the only religion acceptable to God’.” [2n] (Section II: Legal/Policy Framework)

19.11 The USCIRF Report 2009 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.” [53b] (p65)

19.12 The USSD Report 2008 added that “The constitution stipulates the president and the prime minister must be Muslim. The prime minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims), must take an oath to ‘strive to preserve the Islamic ideology,’ the basis for the creation of the country.” [2k] (Section 2c)

Blasphemy laws

19.13 The AHRC Report 2008 recorded:

“Despite calls for the abolition of blasphemy laws from inside and outside of the country, the Pakistan government has yet to take any genuine steps to do so. Meanwhile, many citizens are being arrested, prosecuted and even killed under the law. In many cases it is used to settle personal vendettas or to grab land. Just as it continues to cause destructive tension between the country’s mainstream Muslims and Pakistanis of other faiths, the law is also being used to stoke the power of religious conservatives, who can wield it against liberals.” [52b] (p8)

- 19.14 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)

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- 19.15 The USSD IRF Report 2009 noted 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 a religious minority were insulted, the legislation was rarely enforced and cases only occasionally entered the legal system. [2n] (Section II: Legal/Policy Framework)

- 19.16 The same source also noted that:

“Public pressure routinely prevented courts from protecting minority rights and forced judges to take strong action against any perceived offense to Sunni orthodoxy. Discrimination charges against religious minorities were rarely brought before the judiciary. According to several NGOs, cases against Christians and Ahmadis continued to increase during the reporting period; however, the judiciary, even at the lower levels, acted more judiciously in

dealing with these cases as compared with previous reporting periods. NGOs reported that cases against both the local Christian and Hindu communities continued but to a lesser degree and that social discrimination remained at high levels. There was generally a long period between filing a case and the first court appearance. Lower courts were frequently subject to intimidation, delayed issuing decisions, and refused bail for fear of reprisal from extremist elements. Original trial courts usually denied bail in blasphemy cases, arguing that defendants facing the death penalty were likely to flee. As with the majority of cases in the country, many defendants appealed the denial of bail, but bail was often not granted in advance of the trial.” [2n] (Section II: Restrictions on Religious Freedom)

19.17 The USCIRF Report 2009 stated that:

“Blasphemy allegations, which are often false, result in the lengthy detention of, and sometimes violence against, Ahmadis, Christians, Hindus, and members of other religious minorities, as well as Muslims. Because the laws require no evidence to be presented after allegations are made and no proof of intent, and contain no penalty for leveling false allegations, they are commonly used by extremists to intimidate members of religious minorities and others with whom they disagree. They also are often used by the unscrupulous simply to carry out a vendetta or gain an advantage over another.” [53b] (p68)

19.18 Reporting on the issue of the changes introduced to the blasphemy laws in 2005, the USSD Report 2008 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. According to human rights and religious freedom groups, however, this process was not effective because senior police officers did not have the resources to review the cases. In 2007 courts convicted two individuals and acquitted two others under the blasphemy laws; 71 cases were ongoing at the end of the year.” [2k] (Section 2c)

19.19 On the same matter the USCIRF Report 2009 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.” [53b] (p68)

19.20 The USCIRF Report 2009 report also noted 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 of violence as a consequence of an acquittal. Such threats have proven credible since they have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, individuals have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by violent extremists, including while in police custody. Those who escape official punishment or attacks by extremists are sometimes forced to flee the country.” [53b] (p68)

- 19.21 There were 53 arrests reported under the blasphemy laws in the year July 2007 to June 2008 (USSD IRF 2008) [2i] (Section II) and, according to the National Commission for Justice and Peace (NCJP), at least 75 people were reported to have been “victimized in 24 cases registered under the blasphemy laws” between July 2008 and June 2009. During this period:

“Punjab had the largest share, with 67 percent of the blasphemy allegations and cases registered; 21 percent of the cases were reported in Sindh. Of the 75 persons, 26 were identified as Muslims, six Christians, and two Hindus. The number of Ahmadis is unknown. In addition to the Ahmadis charged in 2008, police charged the entire Ahmadi populations in Rabwah and Kotli with blasphemy in June 2008 for celebrating 100 years of Caliph-ship and constructing a mosque for the community. The NCJP stated: ‘Generally we do not request bail because of security. Blasphemy suspects are often safest in prison under police protection.’” (USSD IRF Report 2009) [2n] (Section II: Abuses of Religious Freedom)

- 19.22 The Freedom House *Freedom in the World 2009* Country Report on Pakistan recorded that:

“Incidents in which low-ranking police officials take bribes to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims continue to occur... 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. A 2005 amendment requiring that a senior police officer investigate such charges has 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 reported each year. [See contrasting reports on this latter point in paragraph 19.18 above]” [19a]

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

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Legal procedure for blasphemy charges

- 19.23 The Foreign and Commonwealth Office (FCO) consulted the National Commission for Justice and Peace (NCJP), a Christian-based human rights organisation in Pakistan, on the procedures for bringing a blasphemy charge against an Ahmadi. A legal expert at the NCJP gave the following responses, dated 2 October 2008, to questions asked by the UK Border Agency (UKBA):

“**UKBA:** What is the procedure for an individual to initiate a complaint against an Ahmadi (or any other person) directly with a Magistrates’ court?”

“**NCJP:** Anyone aggrieved [sic] by some illegal action or privy to information about a crime can register a complaint (FIR) [First Information Report] with the police. In case there is no crime, or the police happen to be the first... [to] know, the police can become a complainant too.

“If the police refuse to register a FIR on a complaint, the district and sessions judge (not a magistrate) can order [a] registration of a FIR under article 199 of

the constitution / section 154 of criminal procedure code, which is the prosecution[‘s]... [account] to be substantiated [sic] by inquiry / investigation report. ‘Challan’ is the formal charge framed in a court.

“Section 196 of the criminal procedure code makes the registration of certain FIRs hard, requiring an inquiry by a senior police officer (in case of Section 295 b and c, a suprintendant [sic] [this sections relate to defiling the Koran and making derogatory remarks against the ‘prophet’ respectively])

“This is the law however in case of blasphemy allegations, we have seen... [the law] violated and procedures ignored on one pretext or the other.

“**UKBA:** Once such a complaint has been lodged, what procedure does the court follow, and what are the timescales for such actions?

“**NCJP:** The charge is framed, [the] accused can deny [the charges]... [then the] standard procedure... [for] evidence, witnesses, cross examination takes place - if the offense isailable the court may also grant bail whenever requested. [This is followed by]... the judgement, [and an] appeal against the verdict if felt necessary.

“298-c, however, is non-bailable unless the accused can successfully contest that the offense is unfounded or cannot be substantiated. This can happen at investigation or trial.

“**UKBA:** Who is the court permitted to release documents to with regard to such a complaint?

“**NCJP:** All parties to the case have the right to acquire documents from any court of law, even the press can manage [to obtain] the copies of FIRs and decisions.” [11i]

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

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Hudood Ordinances

19.24 The USSD IRF Report 2009 observed that “...the Hudood Ordinances... criminalizes rape, extramarital sex, property crimes, alcohol, and gambling.” The report noted that they apply equally to Muslims and non-Muslims and that “If Qur’anic standards are used, Muslim and non-Muslim and male and female testimony carry different weight.” [2n] (**Section II: Status of Religious Freedom**)

19.25 The USSD IRF 2006 stated 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)

- 19.26 The Women's Protection Bill was signed into law in 2006 and “... amended the Hudood Ordinance and moved cases of rape and adultery to secular rather than Shari'a courts. Previously, the Hudood Ordinance often relied on harsh and discriminatory interpretations of Qur'anic standards of evidence and punishment that applied equally to Muslims and non-Muslims.” (USSD IRF Report 2009) [2n] (Section II: Legal/Policy Framework)

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

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Anti-terrorist laws

- 19.27 The USSD IRF Report 2009 stated

“Under the Anti-Terrorism Act, any action, including speech, intended to incite religious hatred is punishable by up to seven years' imprisonment. Under the act, bail is not to be granted if the judge has reasonable grounds to believe the accused is guilty; however, the bail provision of the law is selectively applied... the Government banned activities of and membership in several religious extremist and terrorist groups. The Anti-Terrorism 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; however, many of the groups that the Government banned remained active.” [2n] (Section II: Legal/Policy Framework)

See also Section 11: Judiciary, subsection [Anti-Terrorist Act and Courts](#)

Apostasy

- 19.28 A response regarding apostasy to the UK Border Agency from the Foreign and Commonwealth (FCO) Office British High Commission in Pakistan, dated 9 January 2009, stated that although apostasy was not illegal, people who change their faith are regularly charged with blasphemy and insulting Islam. The FCO noted that “This is usually when a conversion is made to an entirely separate religion (e.g. becoming Christian). Arguably a Sunni Muslim becoming Shia is a conversion of belief within a single religion... [but] we are not currently aware of examples of blasphemy legal proceedings against Shias by Sunnis.” [11d]
- 19.29 As stated in the USSD IRF Report 2009 “Conversion to other minority religious groups generally took place in secret to avoid societal backlash.” [2n] (Section II: Abuses of Religious Freedom)
- 19.30 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 Country of Origin Information Service is not aware, at the time of writing (December 2009), 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.” [53a] (p162)

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INTER-FAITH MARRIAGE

- 19.31 In correspondence dated 24 June 2008, the FCO British High Commission (BHC), Islamabad, 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 a Muslim woman marry a non-Muslim 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]
- 19.32 International Christian Concern (ICC) reported, in an article dated 6 June 2008, of 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...” [43]
- 19.33 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 “If a Christian boy and a Muslim girl fell in love with each other they cannot get married because of the fear and pressure from their families and also the pressure built by the extremists.” The source added 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]
- 19.34 With regards to intermarriage between a non-Ahmadi Muslim and an Ahmadi, the Immigration and Refugee Board of Canada observed in a Response to Information Request, dated 19 November 2009, that:
- “In a 28 October 2009 telephone interview with the Research Directorate, the Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada stated that marriages between non-Ahmadi Muslims and Ahmadis are rare... According to the General Secretary of Ahmadiyya Anjuman Lahore, since Ahmadis have been declared non-Muslims in Pakistan, intermarriage between a non-Ahmadi Muslim and an Ahmadi ‘would not be recognized as legal marriage’ (2 Nov. 2009). The General Secretary also noted that Pakistani

society does not consider such marriages valid (Ahmadiyya Anjuman Lahore 2 Nov. 2009). In contrast, the National General Secretary and the Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada both stated that intermarriage between a non-Ahmadi Muslim and an Ahmadi is legal in Pakistan (Ahmadiyya Muslim Jama'at Canada 3 Nov. 2009; *ibid.* 28 Oct. 2009). However, the Eastern Canada Regional Amir stated that while such a marriage is legal in Pakistani courts, religious leaders are 'not concerned with the courts' (28 Oct. 2009). Similarly, the National General Secretary stated that such marriages are 'condemned by religious clerics and ... [that] a biased judge can declare the marriage null and void...' (*ibid.* 3 Nov. 2009). The General Secretary of Ahmadiyya Anjuman Lahore noted that Ahmadis have their own system to register their marriages and that couples may legally register their marriage with the Ahmadiyya authorities (2 Nov. 2009).” [12m]

19.35 The same source added:

“With respect to the consequences of intermarriage, the Eastern Canada Regional Amir stated that families may try to influence the couple not to marry and may contact a religious leader to exert additional pressure (Ahmadiyya Muslim Jama'at Canada 28 Oct. 2009). The National General Secretary noted that religious clerics may pressure families to disown children who marry outside of their faith (*ibid.* 3 Nov. 2009). According to the General Secretary of Ahmadiyya Anjuman Lahore, if the authorities become aware of an intermarriage, the couple may face prosecution and the marriage may be 'declared invalid which may result [in] three years' imprisonment' (Ahmadiyya Anjuman Lahore 2 Nov. 2009). The National General Secretary stated that section 298C of the blasphemy laws can be applied to the marriage because Islamic terminology is used in the marriage ceremony (Ahmadiyya Muslim Jama'at Canada 3 Nov. 2009). Section 298C of the Pakistan Penal Code states the following:

“Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis'...), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine. (Pakistan 1860)

“According to the General Secretary and the National General Secretary, couples who intermarry may face rejection by their families and society (Ahmadiyya Anjuman Lahore 2 Nov. 2009; Ahmadiyya Muslim Jama'at Canada 3 Nov. 2009). The National General Secretary also stated that intermarriage may result in death threats and murder (Ahmadiyya Muslim Jama'at Canada 3 Nov. 2009). The General Secretary stated that the severity of the consequences depend on the social class of the individuals concerned (Ahmadiyya Anjuman Lahore 2 Nov. 2009). The National General Secretary further noted that religious clerics support the ill-treatment of Ahmadis (Ahmadiyya Muslim Jama'at Canada 3 Nov. 2009). The Eastern Canada Regional Amir stated that many intermarried couples face challenges when determining what faith their children will adopt (*ibid.* 28 Oct. 2009). Information on the consequences faced by officiants of intermarriage between non-

Ahmadi Muslims and Ahmadis could not be found among the sources consulted by the Research Directorate.” [12m]

See also subsection [Ahmadis](#)

19.36 The HRCP Report 2008 recorded that:

“A very serious trend of abducting minority girls was also seen on the rise. In Sindh many Hindu girls were reportedly abducted and forcibly converted to Islam and married off to Muslim men. These girls were not allowed to return home or ever keep in contact with their parents and families. This trend was growing across the country and also affecting religious minority communities other than Hindus. No proper legislation was in the field to address this serious issue and legal action against such cases had largely been unsuccessful.” [27e] (p137, **Children: Kidnappings and trafficking**)

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

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FATWA

19.37 A Canadian Immigration and Refugee Board (IRB) Response to Information Request (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]

19.38 The IRB 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]

19.39 With regard to the impact of fatwa the IRB 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]

- 19.40 In another RIR dated 11 January 2008, the IRB 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]

- 19.41 The same RIR 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]

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VOTING RIGHTS

- 19.42 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)

- 19.43 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)

- 19.44 Regarding the 2008 general elections in Pakistan, the HRCP Report 2008 noted that:

“The ECP [Election Commission of Pakistan] compiled a separate electoral roll just for Ahmadis, distinguishing them from the list of all other eligible voters in the country. In addition to outright religious discrimination, a separate list for Ahmadis completely disregarded the spirit of the joint electorate, the Constitution of Pakistan, and the guarantee of international human rights. As had happened in previous elections, the Ahmadis chose not to participate in the elections.” [27e] (p105, Political participation)

See also subsection [Ahmadis](#)

- 19.45 The Legal Framework Order (LFO) 2002 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). 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; Legal Framework Order 2002, 21 August 2002) [29j]

- 19.46 Of the twenty three seats allocated to minorities in total in the Provincial Assemblies, nine were set aside for Christians, seven for Hindus, four for Sikhs, Buddhists and Parsis [together], and three for Ahmadis. (Revival of The Constitution of 1973 Order, 1985, date accessed 7 December 2009) [29p]
- 19.47 The ACHR South Asia Human Rights Violator Index 2008 recorded that:
- “Religious minorities have been systematically excluded from the new voters list released by the Election Commission of Pakistan on 12 June 2007. The list placed Ahmadis on a separate discriminatory list. In July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters had been excluded from the new voters’ list. About 18 per cent of eligible voters belonging to a minority group have been struck off from the new voters’ list in North West Frontier Province.” [67b] (p73)
- 19.48 The USSD IRF Report 2009 observed, in regard to Ahmadis, that:
- “The Government designates religious affiliation on passports and requests religious information in national identity card applications. A citizen must have a national identity card to vote. Those wishing to be listed as Muslims must swear their belief that the Prophet 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. As a result, Ahmadis continued to boycott elections.” [2n] (Section II: Legal/Policy Framework)

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AHMADIS

Background

- 19.49 The website Encyclopaedia.com entry on the ‘Ahmadiyya’ or Ahmadi movement, dated 2008, accessed 1 June 2008, stated that 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]

19.50 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]

19.51 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]

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Demography

19.52 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. The USSD IRF Report 2009 noted that there are “...according to Jamaat-e-Ahmadiyya... nearly 600,000, although it is difficult to establish an accurate estimate because Ahmadis, who are legally prohibited from identifying themselves as Muslims, generally choose to not identify themselves as non-Muslims.” [2n] (Section I), The USCIRF Report 2009 stated that there were between 3 to 4 million Ahmadis in Pakistan. [53b] (p67)

19.53 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. (PHRG Report 2007) [51] (p2, Section 1, Introduction)

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Legislation discriminating against Ahmadis

19.54 The USCIRF Report 2009 observed that Ahmadis were:

“...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 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, or disseminate their religious materials.” [53b] (p67)

19.55 The USSD IRF Report 2009 recorded that “Specific laws that discriminate against religious minorities include anti-Ahmadi and blasphemy laws that provide the death penalty for defiling Islam or its prophets...” [2n] (Introduction) The report added:

“A 1974 constitutional amendment declares that Ahmadis are non-Muslims. Section 298(c), commonly referred to as the ‘anti-Ahmadi laws,’ prohibits Ahmadis from calling themselves Muslims, referring to their religious beliefs as Islam, preaching or propagating their religious beliefs, inviting others to accept Ahmadi teachings, or insulting the religious feelings of Muslims. The punishment for violation of the section is imprisonment for up to three years and a fine...” [2n] (Section II: Legal/Policy Framework)

19.56 The same source stated that:

“Ahmadiyya leaders claimed the Government used regular sections of the Penal Code against their members for religious reasons. Authorities often accused converts to the Ahmadiyya community of blasphemy, violations of anti-Ahmadi laws, or other crimes. The Government used anti-Ahmadi laws to target and harass Ahmadis. The vague wording of the provision that forbids Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against Ahmadis for using the standard Muslim greeting and for naming their children Muhammad... (Section II: Abuses of Religious Freedom) Since 1983 Ahmadis have been prohibited from holding public conferences or gatherings and from holding their annual conference. Ahmadis are banned from preaching and were prohibited from traveling to Saudi Arabia for the Hajj or other religious pilgrimages. Ahmadiyya publications were banned from public sale, but they published religious literature in large quantities for a limited circulation.” [2n] (Section II: Restrictions on Religious Freedom)

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

Passports and ID cards

19.57 The USSD IRF Report 2009 observed that “The Government designates religious affiliation on passports and requests religious information in national identity card applications. A citizen must have a national identity card to vote.” [2n] (Section II: Legal/Policy Framework) However, “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.” (USSD Report 2008) [2k] (Section 2c) Because of “...the passport requirements to list religious affiliation and denounce the Ahmadi prophet, Ahmadis were restricted from going on the Hajj, because they were unable to declare themselves as Muslims.” (USSD IRF Report 2009) [2n] (Section II: Restrictions on Religious Freedom)

See also subsection on [Voting Rights](#) above, Section 31: Citizenship and Nationality; [National identity cards](#); and Section 33: Exit/entry procedures; [Passports](#)

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Khatme Nabuwaat

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

- 19.59 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))
- 19.60 The website www.thepersecution.org, ‘Persecution of the Ahmadiyya Muslim Community’, representing the concerns of the Ahmadiyya community in Pakistan, recorded in its Monthly Newsreport for October 2009 that on the 15 and 16 October 2009 “Mullas of the Khatme Nabuwwat faction were allowed and facilitated again by authorities to hold still another major conference in Rabwah, the Ahmadiyya headquarters town where non-Ahmadi population is less than five percent. Numerous such conferences are permitted here every year. This is particularly noteworthy in view of the fact that Ahmadis are not allowed to hold their traditional annual conference in their own town.” [60b]

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Violence and discrimination against Ahmadis

- 19.61 The Human Rights Watch World Report 2009 stated that during 2008 Ahmadis continued to be targeted. The source added that “Blasphemy cases were registered against Ahmadis in 2008 and two members were murdered in the province of Sindh after Dr. Aamir Liaquat Hussain, a popular religious talk-show host on Geo TV, declared Ahmadis appropriate targets for murder under Islamic law.” [13a] (**Discrimination**) On the subject of Dr Hussain’s declaration, the USSD Report 2008 added that “The Pakistan Medical Association called for official investigations into the case, but as of year’s end, the government continued to stall investigation into the deaths. Local media and human rights organizations condemned the Geo program for inciting sectarian violence.” [2k] (**Section 1a**)
- 19.62 On 9 July 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]
- 19.63 The Ahmadi community claimed that as of April 2009, 88 Ahmadis faced criminal charges on religious laws or because of their faith. (USSD IRF Report 2009) [2n] (**Section II: Abuses of Religious Freedom**), compared to 45 between July 2007 and June 2008. (USSD IRF Report 2008) [2f] (**Section II**). Of those facing charges up to April 2009, 18 were under the blasphemy laws, 68 under Ahmadi-specific laws, and two under other laws but motivated by their Ahmadi faith. (USSD IRF Report 2009) [2n] (**Section II: Abuses of Religious Freedom**)
- 19.64 The USSD IRF Report 2009 added that:
- “According to data provided by Ahmadiyya leaders, at the end of the reporting period [July 2008 to June 2009], 12 Ahmadis were in prison, of whom one was facing life imprisonment, three were facing death sentences, five had been arrested under blasphemy charges, and three others were awaiting trial. Most of the arrests took place in Rabwah, Kotli, Nankana Sahib, Kotri, and Sargodha. The Ahmadiyya community claimed the arrests were groundless and based on the detainees’ religious beliefs. Several criminal cases, ranging from killings to destruction of property, were filed against prominent members of the Ahmadiyya community during the reporting period. The cases remained unprosecuted, and the accused were allowed to post bail.” [2n] (**Section II: Abuses of Religious Freedom**)
- 19.65 The website www.thepersecution.org, noted in its Monthly News Report for November 2009 that 11 Ahmadis were murdered in 2009 as of November. [60c] In its Year 2008 Summary, Persecution of Ahmadis in Pakistan, The Persecution.org stated that between 1984 and December 2008 there had been 94 Ahmadis killed and 108 attempts of murder of an Ahmadi. [60a] (**Annex II, Summary of other violations**) However the USSD Report 2006 provided different statistics on the numbers of Ahmadis 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)

- 19.66 In its Year 2008 Summary, the website, www.thepersecution.org, accessed 13 April 2009, listed the number of criminal cases brought against Ahmadis from April 1984 to 31 December 2008. The list included 434 cases of Ahmadis booked for ‘posing as Muslims’, 679 booked for preaching and 258 charged under the ‘Blasphemy Law’, i.e. PPC 295-C.” The summary cited, in total, 3,636 cases of Ahmadis being booked or charged on religious grounds. In addition, the report also noted that the entire population of Rabwah (more than 60,000 people) was booked under 298-C of the Penal Code on 8 June 2008. [60a] (Annex II, Updated Summary of the Police Cases, April 1984 to 31 Dec 2008) The USSD IRF Report 2009 also noted that “... police charged the entire Ahmadi populations in Rabwah and Kotli with blasphemy in June 2008 for celebrating 100 years of Caliph-ship and constructing a mosque for the community.” [2n] (Section II)
- 19.67 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 that “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*.” [67a] (p5: Persecution under blasphemy laws)
- 19.68 The USSD IRF Report 2009 also noted that Ahmadis faced restrictions on establishing places of worship and the authorities “... continued to conduct surveillance on Ahmadis and their institutions. Several Ahmadiyya mosques reportedly were closed; others reportedly were desecrated or had their construction stopped.” All minorities claimed to have experienced discrimination in recruitment for government jobs, but the Ahmadis particularly suffered and “... contended that a ‘glass ceiling’ prevented their promotion to senior positions and that certain government departments refused to hire or retain qualified Ahmadis.” [2n] (Section II: Restrictions on Religious Freedom)
- 19.69 In interviewing Ahmadi Community Representatives in Rabwah, members of the PHRG Report 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)
- 19.70 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)

- 19.71 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)

- 19.72 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)

- 19.73 On the subject of internal relocation and Rabwah, the PHRG spoke with Amnesty International President, Faiz ur Rehman, who noted:

“...that it is only Rabwah where the Ahmadi are in the majority and as a result an Ahmadi may feel a little safe in Rabwah compared to a town or village where they are in a small minority. Those from outside Rabwah may therefore flee there if they are in fear in their home area. However, Mr Rehman pointed out that Khatme Nabuwwat have an office in Rabwah. Thus, whilst those who flee to Rabwah might gain safety for a period of time, fear of Khatme Nabuwwat is ever present... Broadly agreeing with Mr Rehman, the HRCP [Human Rights Commission of Pakistan] explained that whilst Rabwah is safer than most other places in Pakistan for Ahmadi’s, there are instances of violence here as well. When asked about whether Rabwah can offer a refuge for those targeted elsewhere in Pakistan, the HRCP explained that if an Ahmadi was pursued across Pakistan, they would be caught by their persecutor in Rabwah. Clarifying this point, the HRCP stated that safety in Rabwah depends on the nature of the persecution and/or the influence of the persecutor... The HRCP explained that the best way for an Ahmadi to protect her or himself is to hide their religion: living in Rabwah has the opposite effect as it is the focus of Khatme Nabuwwat and living in the town marks a person as an Ahmadi.” [51] (p20, Section 4.1, Community protection)

Societal discrimination

- 19.74 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.” [51] (p6, Section 2, Position of Ahmadis in Pakistan)

- 19.75 The report added 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)

- 19.76 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...” [51] (p7, Section 2.1, Social and political environment)

- 19.77 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)

19.78 The PHRG Report 2007 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)

19.79 The USSD IRF Report 2009 stated that “Although discrimination continued to exist... during the reporting period, there were no reports of discrimination against Ahmadis... when they applied for entry to universities and medical schools.” [2n] (Section II: Restrictions on Religious Freedom) However, the website www.thepersecution.org reported in its Year 2008 Summary that on 5 June 2008, 23 Ahmadi medical students were expelled from medical college in Faisalabad following an anti-Ahmadiyya campaign by other students who accused some of the Ahmadi students of preaching their faith. [60a] (Three Incidents: 2A)

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CHRISTIANS

Demography

19.80 The USSD IRF Report 2006 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)

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Recent events

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

- 19.81 The USSD IRF Report 2009 observed that “In November 2008 Shahbaz Bhatti, a Roman Catholic, was appointed Federal Minister for Minorities' Affairs in a move the Christian community and other religious groups throughout Pakistan welcomed... Jamshaid Rehmatullah, another Christian, [was appointed] as judge of the Lahore High Court.” **[2n] (Section II: Legal/Policy Framework)** However, the same report added that “Violence against and harassment of Christians continued during reporting period.” **[2n] (Section III)** The report also noted that during its reporting period at least six Christians were alleged to have committed offences under the blasphemy laws. **[2n] (Section II: Abuses of Religious Freedom)**
- 19.82 The Economist Intelligence Unit (EIU) stated in its Country Report for Pakistan, dated 13 August 2009, that:
- “Taliban ideology has... underpinned an upsurge in attacks against Christians in Pakistan. On August 1st [2009] around 800 Muslims attacked Christians in the town of Gojra, in Punjab province. At least eight Christians were killed following the spread of false rumours that the Quran had been desecrated during a Christian wedding. Christians in other parts of Punjab have also been attacked in recent weeks... Radical Muslim groups and preachers are believed to be responsible for the upsurge in attacks. Demands for sharia law to be applied in Pakistan are linked to the idea that Christians should be expelled from the country.” **[75c] (The Political Scene)**
- 19.83 The USSD IRF Report 2009 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 that “According to NCJP, several cases of forced conversion and abduction were reported in Punjab Province in Faisalabad, Lahore, and Gujranwala. Of the 39 women who were abducted and forced to convert in 2008, 34 cases occurred in Lahore alone, as recorded by the NCJP. A majority of these women were Christian, and two were Hindus.” **[2n] (Section II: Forced Religious Conversion)**
- 19.84 On 3 January 2009, the *Daily Times* reported on the imminent opening of a church at Adiala Jail in Rawalpindi. Adiala Jail would become the first prison to have a church open on its premises. It was expected that over 250 Christian prisoners would visit the church. A visitor to Adiala Jail stated that, with the

government's financial and administrative support, Christians intended to open other churches in prisons across the province. [55a]

See also Section 13: [Prison Conditions](#)

- 19.85 The USSD Report 2008 recorded that Christians, amongst other minority groups, were "...targets of religious violence across the country..." and reported "...significant discrimination in employment and access to education, including at government institutions." [2k] (Section 2c) The USSD IRF Report 2009 noted that "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." [2n] (Section III)
- 19.86 The HRCP Report 2008 recorded that:
- "In early January [2008], dozens of Christians held a protest outside the Lahore Press Club against the occupation of their homes in Bakar Mandi by influential people with the support of the government. The protesters said they had been living on the government property since pre-partition time but now they were being forced out. They said that the residents were very poor and had no means to buy houses; they had no shelter and had been left with no option but to commit suicide along with their children. In late February, the Christian residents of Chananpura, Bakar Mandi, claimed that they were under siege by 'land grabbers' who continued to harass and threaten them despite an ongoing civil lawsuit to decide ownership of the disputed land. The residents claimed that armed men, acting on behalf of the alleged land-grabbers, stripped and beat one of their young men, Faqirah Masih. They also hurled threats at him of bulldozers demolishing their prepartition homes." [27e] (p76, Freedom of thought, conscience and religion: Christians)
- 19.87 The USSD IRF Report 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)
- 19.88 The USSD IRF Report 2009 added that:
- "Discrimination in employment based on religious affiliation 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... however, minority community leaders charged that the Government failed to take adequate action to prevent bonded labor in the brickmaking and agricultural sectors. Christians and Hindus were disproportionately victims of this illegal practice." [2n] (Section II)
- 19.89 The USSD IRF Report 2006 noted that:

"Many... Christians reported discrimination in applying to government educational institutions due to their religious affiliation. Christians and Ahmadis reportedly have been denied access to medical schools...Police torture and mistreatment of those in custody remained a serious and common problem throughout the country and at times resulted in extrajudicial killings. It was usually impossible to ascertain whether religion was a factor in cases in which religious minorities were victims; however, both Christian and Ahmadi communities claimed their members were more likely to be abused."
[2a] (Section II)

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SHI'A AND SUNNI MUSLIMS

Background

19.90 Reporting on different religions, the BBC reported in an article regarding the similarities and differences between Shi'a and Sunni Muslims, updated 19 August 2009, that both sects "... agree on the fundamentals of Islam and share the same Holy Book (The Qur'an), but there are differences mostly derived from their different historical experiences, political and social developments, as well as ethnic composition. These differences originate from the question of who would succeed the Prophet Muhammad as leader of the emerging Muslim community after his death." [35k]

19.91 The same source stated that:

"When the Prophet died in the early 7th century he left not only the religion of Islam but also a community of about one hundred thousand Muslims organised as an Islamic state on the Arabian Peninsula. It was the question of who should succeed the Prophet and lead the fledgling Islamic state that created the divide.

"The larger group of Muslims chose Abu Bakr, a close Companion of the Prophet, as the Caliph (politico-social leader) and he was accepted as such by much of the community which saw the succession in political and not spiritual terms. However another smaller group, which also included some of the senior Companions, believed that the Prophet's son-in-law and cousin, Ali, should be Caliph. They understood that the Prophet had appointed him as the sole interpreter of his legacy, in both political and spiritual terms. In the end Abu Bakr was appointed First Caliph... Muslims who believe that Abu Bakr should have been the Prophet's successor have come to be known as Sunni Muslims. Those who believe Ali should have been the Prophet's successor are now known as Shi'a Muslims. It was only later that these terms came into use. Sunni means 'one who follows the Sunnah' (what the Prophet said, did, agreed to or condemned). Shi'a is a contraction of the phrase 'Shiat Ali', meaning 'partisans of Ali'.

"The use of the word 'successor' should not be confused to mean that those leaders that came after the Prophet Muhammad were also prophets - both Shi'a and Sunni agree that Muhammad was the final prophet." [35k]

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Demography

- 19.92 The USSD IRF 2009 report noted that “The majority of Muslims in the country are Sunni, with a Shi’a minority of approximately 20 percent”. [2n] (Section I) The report added that “Kurram [in the FATA], is the only tribal agency with a significant Shi’a population, approximately 42 percent of the region’s 500,000 inhabitants. Sectarian animosity in Kurram Agency has historically spilled over into sporadic clashes. In 2008, militants increasingly began to exploit these clashes to gain control over key transit points in Kurram linking Pakistan and Afghanistan.” [2n] (Section II: Forced Religious Conversion) Shi’a followers claimed that at least 20% of population were Shia and “split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought.” (USSD IRF 2006) [2a] (Section I)
- 19.93 The USSD IRF Report 2006 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

- 19.94 The USSD Report 2008 recorded that “Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups outside FATA resulted in hundreds of deaths during the year.” The Report added that in 2008 “Sectarian violence between Sunni and Shia extremists continued...” [2k] (Section 1a)
- 19.95 Jane’s Sentinel Country Risk Assessment for Pakistan noted in its chapter on Security, updated 8 September 2009, that:
- “Pakistan has experienced a persistently high level of sectarian violence throughout much of its history, with the minority Shia Muslim community, which makes up approximately 20 per cent of the population, clashing with the majority Sunni Muslims. Violence intensified in the 1980s, following Sunni concern over the spread of Shia influence after the Iranian revolution and the

subsequent funding of Sunni madrassahs and institutions by Saudi Arabia throughout the Middle East. The key anti-Shia extremist group, Lashkar-e-Jhangvi (LeJ), remains a key threat to security, despite being banned in 2002. Overall sectarian violence fell steadily in 2003, but the trend was reversed in 2004. Anti-Shia violence rose substantially in 2008 and is set to persist through the course of 2009.” [36d] (Security: Social stability)

19.96 The USCIRF Report 2009 noted that:

“Chronic levels of religiously-motivated violence, much of it committed against the Shi’a minority by Sunni extremists, continue throughout the country... These violent extremists, some of whom have ties to Taliban groups, are reported to have engaged with impunity in the killing of hundreds of Shi’a civilians, imposing a harsh, Taliban-style of justice, and displacing Shi’a and other minority populations.” [53b] (p66)

19.97 The HRCF Report 2008 noted that:

“As in previous years, the month of Muharram [Islamic New Year, based on a lunar calendar so precise dates in the Gregorian calendar vary. In 2008 it fell between 10 January and 8 February] raised serious security challenges. The increased number of suicide bombings and an escalated militancy added to the sectarian tensions that played out in Muharram every year. The help of the army was sought to maintain law and order; the hospitals were put on high alert and their administration was directed to make arrangements on war footings especially after a spate of suicide attacks in Rawalpindi and Lahore... In the Kurram tribal agency, combatants belonging to Sunni and Shia sects engaged in bloody fighting and casualty figures rose over 1,000. Thousands of people were displaced and their property ransacked, looted and torched.” [27e] (p75, Freedom of thought, conscience and religion: Sectarian violence)

19.98 The USSD IRF Report 2009 observed that “The Government, at its most senior levels, continued to call for interfaith dialogue and sectarian harmony to promote moderation, tolerance, and minority rights... The Religious Affairs Ministry and the Council of Islamic Ideology continued to organize smaller interfaith meetings and dialogue sessions.” [2n] (Section II: Legal/Policy Framework)

19.99 The same report added:

“Targeted assassinations of clergy remained a key tactic of several groups, including banned sectarian organization Sipah-i-Sahaba (SSP), terrorist organization Lashkar-i-Jhangvi (LJ), and sectarian organizations Sunni Tehrike (ST) and Sipah-i-Mohammad Pakistan (SMP). SSP and LJ targeted both Shi’a and Barelvis, whereas ST and SMP targeted Deobandis... [2n] (Section II) Relations among religious communities remained tense. Violence against religious minorities and between Muslim sects continued. Most believed a small minority was responsible for attacks; however, discriminatory laws and the teaching of religious intolerance created a permissive environment for such attacks. Police often refused to prevent violence and harassment or refused to charge persons who committed such offenses.” [2n] (Section III)

- 19.100 The USSD IRF Report 2009 cited several examples of sectarian violence during its reporting period (July 2008 to June 2009):

“In October 2008 a suicide blast targeting the house of a Shi'a member of the National Assembly (Pakistan Muslim League-Nawaz), Rashid Akbar Niwani, killed 25 persons and injured 62, including Niwani, in Bhakkar, Punjab. The police linked the attack to a sectarian militant group with ties to Al Qaida and the Taliban. In August 2008 sectarian clashes erupted between Shi'a and Sunni groups in Kurram Agency, FATA. As a result of continued clashes, nearly 700 persons reportedly died between August and November 2008, and thousands were displaced. A tribal jirga in Islamabad comprising 100 members of both sects, including parliamentarians, agreed to end the sectarian violence on September 25, 2008.” [2n] (Section II)

- 19.101 The website of the South Asian Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan for 2008 (based on news reports), stating that there were 97 incidents, 306 deaths and 505 people injured. From January to 1 November 2009, SATP recorded 103 sectarian incidents, 187 deaths and 397 people injured. [61a] (Sectarian Violence in Pakistan)

- 19.102 In correspondence from the Foreign and Commonwealth Office (FCO) to the UK Border Agency, dated 9 January 2009, an FCO official stated that:

“...there are incidents of sectarian violence - mainly Sunnis against Shias - in the parts of Pakistan where the Shia minority are most prevalent. For example, in January 2007, during the Shia festival of Ashura, at least two suicide bombers attacked Shia gatherings and two rockets were launched at a Shia mosque in Bannu. Authorities respond to these attacks, although in Pakistan police investigation etc does not equate to protection or necessarily to justice through legal proceedings.” [11j]

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20. ETHNIC GROUPS

- 20.01 The Asian Centre for Human Rights stated in its 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.” [67a] (p13)

- 20.02 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that “Systematic discrimination against national, ethnic, and racial minorities is widely acknowledged privately, but insufficient data exist for clear and accurate reporting on these forms of discrimination.” [2k] (Section 5)

BALUCH

- 20.03 Minority Rights Group International recorded in its Pakistan profile on the Baloch (Baluch) people, undated, that:

“The Baluchis are the indigenous peoples of Baluchistan, which is split between the Pakistani province of Baluchistan and Iranian Baluchistan. The majority of the Baluch people reside in the Baluchistan province of Pakistan. Baluchistan is the largest of all provinces of modern-day Pakistan, making up nearly two-fifths of the entire country... According to the most recent population census held in 1998, the total population of Baluchistan consisted of 6.5 million out of the total Pakistani population of 131 million. In 2006 the population of Baluchis in Pakistan was estimated as 8.2 million... Baluchis are largely Sunni Muslims, followers of the Hanafi school.” [93a]

- 20.04 The Unrepresented Nations and Peoples Organization (UNPO) noted in a press release on 8 June 2009, regarding an event to discuss the human rights situation in Balochistan, that the Baloch are:

“...a minority community who have been politically and economically marginalized by the Pakistani government. These violations include indiscriminate use of force against civilians, targeted killings and the disappearance of political activists and journalists. Hundreds of thousands of civilians are said to have been displaced across province boundaries into Sindh and Punjab and state boundaries into Afghanistan, underlining the regional and international nature of the problem.” [87]

- 20.05 UNPO further noted that “The region [of Balochistan] is exceptionally rich in natural resources which has encouraged exploitative domestic and external intervention.” [87]

See also Section 4: Recent developments: [Political events in 2009](#) and Section 8: Security situation: Militant Activity: [Balochistan](#)

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DALITS

20.06 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 that “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]

20.07 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]

20.08 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 one of the five nominees for the National Assembly was from a scheduled caste. The article noted that out of the 2.7 million Hindu’s living in Sindh province, 2.2 million are

from the scheduled castes. The report further stated that scheduled castes, which were registered as such by former President Zia-ul-Haq, are reserved special places for public-sector employment opportunities. [55h]

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MOHAJIRS

Background

20.09 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 the Mohajir Qaumi Movement (MQM)

20.10 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)

20.11 Europa World Online, accessed 5 June 2009, 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] (Political organisations: Muttahida Qaumi Movement (MQM))

- 20.12 The SATP website section titled '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]

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Recent events

- 20.13 Reuters reported on 8 June 2009 that:

"A wave of violence between rival political factions is sweeping Pakistan's biggest city of Karachi with at least 26 members of the hostile groups killed in the past week... The violence in the city of 16 million people is between Karachi's dominant political force, the Muttahida Qaumi Movement (MQM), and a breakaway faction known as the Mohajir Qaumi Movement, or Haqiqi group, as they vie for influence." [17g]

- 20.14 The *Daily Times* reported on 15 July 2009 that, whilst addressing the media after meeting with Sindh Governor Dr Ishratul Ibad on the 14 July 2009, Interior Minister Rehman Malik said that the targeted killings occurring in Karachi would not be tolerated and "stern action would be taken against anyone implicated in the act..." The article also added that "The governor said the government had taken effective measures in the last three days to stop target killings in the city. He said that President Asif Ali Zardari and Muttahida Qaumi Movement (MQM) chief Altaf Hussain were in contact and agreed that strict measures were needed for safeguarding the people." [55r]

- 20.15 The same source reported that Rehman Malik said:

"... that the number of Rangers and police in the city had been increased to control the situation. He said the families of victims of target killings would be given plots and opportunities to work in the police force. The minister said the MQM chief had assured him of his complete cooperation in this regard. Malik urged the community at large to use their mobile phones and make a video of any target killings that they witnessed, sending the same to the Interior Ministry." [55r]

- 20.16 Also reporting on the Interior Minister's press conference in Karachi, *Dawn* noted on 14 July 2009 that Mr Malik said that "... a judicial commission would be set up to probe targeted killings in Karachi, identify the real culprits and take action against them without consideration of their political affiliation." [42j]

- 20.17 The USSD Report 2008 noted that:

“During the year, sources in the Muttahida Qaumi Movement (MQM) party, which has the strongest political influence in Karachi, accused Jamaat-e-Islami (JI) activists of killing 19 of its members, including a Karachi University student, in ongoing violence between the two parties over political control of the province. Fourteen of these MQM members died in ethnic violence on November 29 and 30. JI accused MQM of killing 13 JI activists.

“On April 9, rioting between MQM lawyers and other lawyers in Karachi left nine dead. Authorities found seven bodies in lawyers’ offices, and the mob torched 40 vehicles following attacks on former Minister Sher Afghan Niazi in Lahore the previous day.

“By year’s end, a trial in the Sindh High Court was in process for those arrested in connection with the deaths of more than 40 political activists from multiple parties during demonstrations planned to coincide with the May 2007 arrival of then suspended Chief Justice Chaudhry to Karachi. Many observers blamed the violence on the MQM party, a member of the ruling coalition that controlled the Sindh provincial government, 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 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial.” [2k] (Section 1a)

20.18 The USSD Report 2008 also recorded that:

“On some university campuses in Karachi, 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 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.” [2k] (Section 2a)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS

See also the section on [Women](#) with regard to lesbians and bisexual women.

LEGAL RIGHTS

- 21.01 The full text of Section 377 of the Pakistan Penal Code, obtained from the 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)

- 21.02 The ‘Sodomy laws’ website, last edited on 24 November 2007, reported that the penalty may also include “... a possible corporal punishment of a 100 lashes.” The same source added that:

“‘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]

- 21.03 An IRB (Immigration and Refugee Board of Canada) 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]

- 21.04 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." [49]

- 21.05 However consideration of the case by the courts had 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. (IGLHRC, February 2008) [49]

- 21.06 The Foreign and Commonwealth Office (FCO) consulted local experts on transgender and transsexuals 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, 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 court] deduce, the transsexuals 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 [transsexuals] too." [11f] (Paragraph 1)

See also subsection on [Transgender/Transexuality](#) below

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TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

- 21.07 The USSD Report 2008 recorded that “Homosexual intercourse is a criminal offense; in practice, 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.” [2k] (Section 5)
- 21.08 An IRB Response to Information Request (RIR), 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 The Spartacus International Gay Guide 2009, undated, stated in the section on Pakistan that there was no gay movement or gay groups in Pakistan. The Guide noted that “Despite the strict laws of Islam regarding moral standards, gay men, transvestites and transexuals live relatively undisturbed from the police.” However, the Guide noted gay men would receive little protection from the authorities. The same source stated that “The general population and the family does not see homosexuality in a positive light at all, but is generally tolerant enough to accept the situation as long as they are not affected.” [25] (p686)

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SOCIETAL TREATMENT AND ATTITUDES

- 21.10 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]
- 21.11 On the subject of societal attitudes to homosexual activity the IRB RIR, dated 29 November 2007, 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]

21.12 The same RIR 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]

21.13 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]

See also Section 23: [Women](#) and subsection [Single women](#)

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TRANSGENDER/TRANSEXUALITY

21.14 The FCO letter of 6 February 2008 which reported on the situation of transgender persons and transexuals 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)

- 21.15 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)
- 21.16 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)
- 21.17 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)
- 21.18 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)
- 21.19 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)

- 21.20 *The Guardian*, dated 18 July 2009, reported that, in a bid to improve life for Pakistan's transgender, transvestite and eunuch community, the Supreme Court issued a ruling which stated that “... all hijras... will be registered by the government as part of a survey that aims to integrate them further into society... As a result, hijras can now give their gender as 'E' for eunuch on their passports and government forms.” [92a]
- 21.21 Regarding the ruling however, the Foreign and Commonwealth Office (FCO) noted, in a letter dated 12 November 2009, that “...the Court's rulings in this case are essentially declaratory and have little binding effect on the government; declaring that the plaintiffs are Pakistani citizens and entitled to basic state provisions like education and the protection of law will not do anything to actually remove the disadvantages they face in society.” [11]
- 21.22 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 21.04), 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]
- 21.23 The same source continued:

“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]

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22. DISABILITY

- 22.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) stated that:

“The law provides for equality of the rights of persons with disabilities. There are employment quotas at both federal and provincial levels, which require public and private organizations to reserve at least two percent of their jobs for qualified persons with disabilities. In practice, however, this right is only partially protected due to lack of adequate enforcement mechanisms. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the majority of individuals with physical and mental disabilities. In some cases, however, criminals forced these individuals into begging and took much of the proceeds.

“Organizations that refuse to hire persons with disabilities can choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as some 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 persons with disabilities.

“When the King Edward Medical College refused to treat a disabled person on the grounds that the college did not have facilities for persons with disabilities, Punjab Chief Minister Shahbaz Sharif ordered on December 7 [2008] that the child be admitted to the college and that the provincial government cover the treatment costs.

“There were no restrictions on the rights of the disabled to vote or participate in civil affairs.” [2k] (Section 5)

- 22.02 In a list of frequently asked questions (FAQs), Pakistan’s Ministry of Health website described the services that were available via the ‘National Institute for Handicapped,’ which offered treatment and medical rehabilitation for the disabled. Rehabilitative services included Speech and Language Therapy, Occupational Therapy, Audiology and Psychology. All available treatment was provided free to the disabled patients and their families. [29k] (National Institute for Handicapped)

- 22.03 The Government’s National Commission for Child Welfare and Development (NCCWD) recorded in its Pakistan National Report, Child Sexual Abuse and Exploitation 2008, that five major cities had been declared “disabled friendly”, and included Islamabad, Peshawar, Karachi, Quetta and Lahore. The report added that the:

“National Institute for Rehabilitation Medicines is also working to provide early detection and health care facilities for all types of disabilities. The main objective of the Institute besides routine health services for the handicapped are to introduce, test and provide innovative rehabilitative techniques, early detection, do research and act as a repository of information related to disabilities, provide technical support and guidance to policy makers and planners and the system as a whole on the care of the disabled.” [29l] (p14)

23. WOMEN

OVERVIEW

- 23.01 The Human Rights Commission of Pakistan (HRCP) recorded in its report, *The State of Human Rights in 2008* (HRCP Report 2008), published 1 April 2009, that:

“With Pakistan affected by the global economic crisis and faced with its own central issues of water, electricity and gas shortages and high food prices, poverty levels rose sharply. Women, already a vulnerable sector of society, got the worse part of the deal. They were at the lower end of receiving a nutritious diet, proper health care, educational opportunities and openings for development. They were subjected to rising domestic violence and ill treatment at the hands of employers. Also, cases of violence against women remained on a high. Many more women became susceptible to sexual abuse and trafficking as they were duped into thinking they were being taken away for jobs and for alleviating their poverty. Unauthorised forums such as jirgas and panchayats continued to wreak havoc for women, in tribal/remote areas. Because of a lack of education, awareness of their own rights, and most importantly, severe economic dependence, women were extremely vulnerable against adversity. The government and private sector launched or continued work on several schemes and projects designed to address specific issues but were unable to make any significant headway.” [27e] (p117-118, **Women: The rights of women and growing poverty**)

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

- 23.03 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.” [20d] (p2)

- 23.04 The Committee 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. [20d] (p2)

- 23.05 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. [20d] (p3-8)

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LEGAL RIGHTS

- 23.06 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." [29n] (**The Constitution of Pakistan: Part II, Chapter 1, Section 25**)
- 23.07 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that "The law prohibits discrimination on the basis of sex, but in practice this provision was not enforced. Women faced discrimination in family law, property law, and the judicial system." [2k] (**Section 5**)

Women's Protection Act

- 23.08 On 1 December 2006 President Musharraf signed into law the Women's Protection Act (WPA). (USSD IRF Report 2008) [2i] (**Section II**) The USSD IRF Report 2009 stated that the law:

"... moved cases of rape and adultery to secular rather than Shari'a courts. Previously, the Hudood Ordinance often relied on harsh and discriminatory interpretations of Qur'anic standards of evidence and punishment that applied equally to Muslims and non-Muslims. If Qur'anic standards are used, Muslim and non-Muslim and male and female testimony carry different weight. Approximately 2,500 women have been released from prison since former President Musharraf ordered the release of all women imprisoned under the Hudood Ordinance. Many were unable to return to their homes because of

social ostracism. A few others remained in custody, and most were housed in government shelters. The women who were arrested under the Hudood Ordinance on charges of fornication, adultery, and possession of liquor now have their cases heard under the Women's Protection Bill. According to the Society for Human Rights and Prisoners Aid, the number of adultery-related cases against women considerably dropped during 2008-09." [2n] (Section II)

See also subsection [Assistance available to women](#)

23.09 A Response to Information Request (RIR) by the IRB 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**)

23.10 On the subject of introduction of the WPA, the USSD Report 2008 noted that:

"The Women's Protection Act of 2006 brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. Previously, under the rape provision of the Hudood Ordinance, a woman was compelled to produce four male witnesses to corroborate her charge. Under the new law, police are not allowed to arrest or hold a woman overnight at a police station without civil court judge consent. In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases. Women's rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced." [2k] (Section 5)

23.11 The Government of Pakistan's third and fourth periodic reports to the UN Committee on the Rights of the Child, dated 4 January 2008, stated that:

"Amendments have been made in the Haddood [Hudood] Ordinance through the Prevention of Anti-Women Practices (Criminal Law) Amendment Act, 2006. The new law has been designed to end practices such as preventing or obstructing women to get their share in inheritance, sale of woman, forced marriage, Nikah [Islamic wedding ceremony] with the Holy Quran, custom of 'Vani' or giving a woman in marriage to settle a feud and pronouncement of divorce three times. These inhuman practices have been made offences under the Pakistan Penal Code." [79b] (p15)

See also Section 11: [Hudood Ordinances](#) and Section 19: [Freedom of Religion: Hudood Ordinances](#) and Section 24: [Children, Childcare and protection](#)

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POLITICAL RIGHTS

23.12 The USSD Report 2008 noted that:

“There were 60 seats in the National Assembly reserved for women, and an additional 16 women won directly elected seats in the 342-seat National Assembly. There were five women in the federal cabinet. For the first time in the country's history, the National Assembly elected a female speaker, Dr. Fahmida Mirza. There were 128 reserved seats for women of the 758 seats in provincial assemblies and one-third of the seats were reserved 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.” [2k] (Section 3)

23.13 However, the Asian Human Rights Commission (AHRC) noted in its report, *The State of Human Rights in Pakistan – 2008* (AHRC Report 2008), published 11 December 2008, that the women in the National Assembly “...are not directly elected, they are merely placed into the positions by their party, which limits their value as political figures. Critics complain of nepotism.” [52b] (p10)

23.14 The HRCP Report 2008 added that “In November [2008] Dr. Fehmida and several other women parliamentarians constituted the ‘Women Parliamentarians’ Caucus’ with the objective of protecting women’s rights and promoting women’s development, empowerment and emancipation along with improving the role of female parliamentarians in proposing ‘gender-sensitive’ legislation.” [27e] (p117, **Women: Women and politics**)

23.15 On the oppression of women participating in public life in Pakistan, the ACHR South Asia Human Rights Index 2008 recorded that:

“Chief Minister of Sindh Dr. Arbab Ghulam Rahim stated during the launch of the election campaign for his party on 26 August 2007 in Thatta that women’s leadership was a ‘curse’ on society.

“On 29 March 2007, tribal elders in Bannu district of North West Frontier Province barred women from casting their vote in the by-election of National Assembly Seat-26.

“Most women councillors of Upper Dir district in NWFP have not attended sessions of district and union councils since 2005 because of an ‘unofficial ban’ imposed by a local jirga. Unelected male relatives had represented them since 2005, in sessions of the district and union councils. These self-nominated ‘representatives’ of women councillors – apparently fathers, sons, brothers and husbands – enter councils’ rooms, sign the attendance roster and take part in the debate on behalf of the women councilors with complete acquiescence of the state.” [67b] (p75)

23.16 The HRCP Report 2008 noted:

“Instances of women being barred from voting were reported from many parts of the country. Prior to the general elections, tribal elders had reportedly barred women from voting in a by-election in Bannu [NWFP]. In another by election in Bajaur Agency [FATA], all candidates, including those from secular parties and the ruling PML-Q, agreed to prevent women from voting. There were reports of a village near Multan, in Punjab, where women had not cast their votes in any election since the creation of Pakistan in 1947. In January

2008, Ghathar village – one of the largest villages of district Qambar in Sindh – attracted significant media attention because not a single woman from the village had been allowed to cast her vote in any election since 1947. HRCP activists, who visited the village, were assured of a break in this tradition in the February [2008] elections.” [27e] (p106, Political participation)

SOCIAL AND ECONOMIC RIGHTS

23.17 The AHRC Report 2008 recorded that:

“Middle-class women generally have more social and economic freedom in Pakistan, but in rural and tribal areas an estimated 12.5 million women are still denied the right to vote. Many have little or no independence on any level. The advances at the top need to be taken into the villages and onto the street and practically enforced. Businesses and local authorities such as the police and judiciary remain profoundly male oriented.” [52b] (p10)

See also subsection [Political rights](#)

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Family laws: marriage, divorce and inheritance

23.18 The Muslim Family Laws Ordinance, 1961, stated that “It extends to [the] whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be.” The ordinance 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 2008 stated “Parliament outlawed forced marriages in February 2007, but implementation of the law remained a problem.” [2k] (Section 5)

23.19 The USSD IRF 2009 Report noted that:

“The Government does not recognize either civil or common law marriage. Marriages are performed and registered according to one's religious group. The marriages of non-Muslim men remain legal upon conversion to Islam. If a non-Muslim female converts to Islam, and her marriage was performed according to her previous religious beliefs, the marriage is considered dissolved. Children born to Hindu or Christian women who convert to Islam after marriage are considered illegitimate unless their husbands also convert. The only way the marriage can be legitimated and the children made eligible for inheritance is for the husband to convert to Islam. The children of a Muslim man and a Muslim woman who both convert to another religious group are considered illegitimate, and the Government can take custody of the children.” [2n] (Section II: Legal/Policy Framework)

23.20 The USSD IRF 2008 Report cited that:

“A Muslim man can marry a woman ‘of the Book’ (Jew or Christian) but cannot marry a woman of any other religious group unless she converts to Islam,

Judaism, or Christianity. Muslim women may only marry Muslim men... In effect, the Government recognizes a marriage if both bride and groom are of the same religious group, 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 religious group, the only way the marriage can be legitimated and the children made eligible for inheritance is if the groom converts to Islam." [2i] (Section II)

23.21 Also on the subject of marriage the USSD Report 2008 stated that:

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

23.22 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 their families ostracized them. Although it is 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." [2k] (Section 5)

23.23 An article in *The National*, an English newspaper published by the Abu Dhabi Media Company, dated 26 November 2008, reported that:

"Two weeks ago, the Council of Islamic Ideology, the country's [Pakistan] top advisory body on religious affairs, proposed that a divorce should come into effect within 90 days of a woman's filed request, even if her husband has not responded by that time. Pakistan's current law allows a woman to start divorce proceedings only if she first surrenders her right to 'mehr', or money pledged by her husband at the time of marriage. Existing laws allow a husband to divorce his wife verbally in private. The council recommended it should be done in writing. After a storm of angry criticism by religious parties branding the proposals an attempt to change Islamic law, the government disowned the council's recommendations." [40a]

23.24 The IRB 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]

23.25 With regard to inheritance laws, the USSD Report 2008 observed that the law "...discriminates against women. Female children are entitled to only one-half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. In practice, women often received far less than their legal inheritance entitlement." [2k] (Section 5)

23.26 The same source stated:

"The World Bank released a study in February 2007 indicating that approximately one-third of marriages in rural areas were 'watta satta', exchange marriages in which men marry each other's sisters, a practice that carries with it a mutual threat of retaliation. 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.' Human rights groups such as the HRCP criticized the practice, however, noting that 'these marriages treat women as a commodity, and tension within one household also affects the other'." [2k] (Section 5)

23.27 The USSD Report 2008 further noted that "In rural Sindh, landowning families continued the practice of 'Koranic marriages' 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 older than 14. These women were expected to stay in the home and not maintain contact with anyone outside of their family." [2k] (Section 5)

23.28 The Freedom House *Freedom in the World 2009* Country Report 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 from 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 2005 judgment, the court ordered local police to offer women protection." [19a]

23.29 The US Department of State (USSD) recorded in its travel section by the Bureau of Consular Affairs on International Parental Child Abduction, Pakistan, undated, accessed 19 March 2009, that:

"Under Pakistani family law, which is based on Islamic law, the father controls virtually all aspects of his family's life. He decides where his wife and children will live, how the children are to be educated and whether or where they may travel. Courts rarely, if ever, give custody of children to a woman who is not a Muslim, who will not raise the children as Muslims, does not plan to raise them in Pakistan, or has remarried. In all probability, even if the mother wins

custody, the children would still need the father's permission, to leave the country. Any matter of custody in Pakistan can only be resolved through the appropriate local judicial system...In Pakistan, most mothers do not earn an income. The courts keep this in mind in determining what is in the best interests of the child. A father is legally bound to take care of his children no matter what since he is the income earner. A mother is not so bound. That is why, in most cases, the father is granted custody... Laws protecting the rights of mothers are written into the Quran (Koran). Under Islamic law, a woman has the right to keep a boy child up to the age of seven years and a girl child up to the age of twelve..." [21]

See also Children, [Legal rights](#) and [Underage/forced marriage](#) and Section 19: [Inter-faith marriage](#)

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Women in the workplace

23.30 The USSD Report 2008 observed with regard to women's rights at work that:

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

See also sub-section below on [Honour Killings](#)

23.31 *Dawn* reported on 11 April 2009 that the Protection Against Harassment at the Workplace Bill 2009 and the Criminal Law (Amendment) Act 2009, providing protection for women at work, was introduced on 10 April. The article noted that:

"The objective of the first bill is to create a safe working environment for women workers, free of sexual harassment, abuse and intimidation to enable higher productivity and a better quality of life at work. The bill builds on principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. The bill requires all public and private organisations to adopt an internal code of conduct and a complaints and appeals mechanism, for establishing a safe working environment, free of intimidation and abuse, for all employees." [42b]

23.32 *Dawn* further reported on 25 November 2009 that the Protection Against Harassment at the Workplace Bill 2009 "... was the substantive bill that provides a mechanism to be created by employers to investigate complaints by female workers who bring charges of sexual harassment against male colleagues/bosses." The report noted that the Criminal Law (Amendment) Act "... introduced changes in the PPC and CCP to strengthen the laws [and] was the subsidiary instrument to give teeth to existing laws on what is euphemistically called 'eve teasing'. The two bills were to be introduced and adopted together, as was logical. But strangely this was not done. Instead the

second bill that was the less important was tabled and adopted, while the substantive bill was not put up at all.” *Dawn* added that “Bushra Gohar, the chairperson of the National Assembly’s standing committee on women’s development... expresse[d] her disappointment at the failure of the government to bring up the main bill.” [42k]

23.33 The AHRC Report 2008 asserted that:

“In the workplace women must still contend with lower salaries, and sexual misconduct is common. They are generally not paid according to the law and receive few benefits. The majority are not officially registered so are vulnerable to occupational abuse. It is mostly women that work in government factories and other informal sectors (unregistered under government laws), and here they have no labour law benefits, such as medical allowances, pregnancy allowances, transport or childcare services from the factory management. Through a finance bill passed during the Musharraf government, most are now expected to work 12 hours rather than the original eight. In rural areas women are often required by employers or landlords to work all day alongside their husbands for little extra remuneration, often as bonded labour, to pay off loans.” [52b] (p12)

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Socio-economic indicators

23.34 The World Health Organisation (WHO) country profile of Pakistan, undated, listed a number of socio-economic statistics for men and women. As published on its website, accessed 9 July 2009, 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]

23.35 The WHO country profile of Pakistan, accessed 6 July 2009, 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]

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

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Single women

23.36 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]

- 23.37 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 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." [12j]

- 23.38 The same source noted that:

"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.” [12j]

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VIOLENCE AGAINST WOMEN

23.39 On 4 August 2009, The Domestic Violence (Prevention and Protection) Bill was passed by Pakistan’s National Assembly. To become law, the bill must also be passed by the Senate. The *Daily Times* reported on 5 August 2009 that:

“The new law would cover not only intentional acts of gender-based, physical and psychological abuse, but also includes ‘economic abuse, harassment, stalking, sexual abuse, verbal abuse and any other repressive behaviour’ committed against women, children or other vulnerable people, with whom those accused have been or still are in a domestic relationship...

“Under this law, protection committees – each consisting of female councillors, a female SHO, a sub-divisional police officer and a protection officer – would be set up at the tehsil level by provincial governments. Victims would be able approach the committees to directly or through some other person, which would have to send the case within three days to the area magistrate after fulfilling all legal requirements on behalf of the complainant.

“The court, on being satisfied that domestic violence has taken place, could pass a protection order in favour of the aggrieved party, in addition to directing the accused person to provide monetary relief. This protection order would remain enforced until the aggrieved party applies for its discharge. A breach of protection order by the accused person would be considered an offence punishable with imprisonment – which may extend to a year but would not be less than six months – and a fine not less than Rs 100,000.” [55o]

23.40 *Dawn* reported on 25 November 2009 that “The Council of Islamic Ideology... issued a statement criticising the bill on the ground that it ‘would fan unending family feuds and push up divorce rates’.” The same source added that now “... the three-month mandatory period has lapsed within which the Senate is required to adopt a bill passed by the Assembly.” [42k]

23.41 The HRCP Report 2008 noted that:

“The three relatively new laws and amendments safeguarding women against violence and abuse were still not extended to the Provincially Administered Tribal Area (PATA) of NWFP. These laws deal with honour killing, customs of swara and vani [where children are promised in (forced) marriage to settle blood-feuds], allowing bail to women in most of the offences and amending the Offence of Zina (Enforcement of Hudood) Ordinance. The Honour Killing Act of 2004, the Code of Criminal Procedure (Amendment) Ordinance, 2006, and the Women’s Protection Act of 2006 are the main pieces of legislation that address these issues, yet no executive authority extended them to the PATA districts – Swat, Shangla, Chitral, Buner, Malakand, Upper and Lower Dir, and tribal areas of Mansehra and Kohistan – which means that the crimes kept

occurring without being checked under proper laws.” [27e] (p116, **Women: Women and the law**)

23.42 On 17 February 2009, the Aurat Foundation released its 2008 annual report on the ‘Situation of Violence Against Women in Pakistan’. The report covered the period January to December 2008 and recorded a total of 7,733 cases of violence against women reported in the print media. Of those cases, 5,686 were registered with the police. [57b]

23.43 The USSD Report 2008 recorded that:

“Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Other forms of domestic violence included torture and shaving. In-laws abused and harassed married women. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid. There is no specific legislation prohibiting domestic violence, but sections of the Penal Code can be used to invoke justice for the victim. The National Commission on the Status of Women, a government body, advocated the passage of domestic violence legislation. [See paragraph 23.36 for recent changes in legislation]

“According to a June HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands and nearly 50 percent of wives in most developed urban areas admitted that their husbands beat them. By November there were 21 reported cases of ‘stove deaths,’ incidents in which women are doused in kerosene and set on fire. According to the Progressive Women's Association, many incidents were unreported.

“Women who try to report abuse face serious challenges. In the absence of domestic violence law, abusers may be charged with assault, but the abused rarely filed cases. Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse for fear of dishonoring the family.” [2k] (Section 5)

23.44 The Government of Pakistan stated in its report to the UN Committee on the Rights of the Child, dated 4 January 2008, that “... all burn cases are required to be reported to the nearest Magistrate by the registered medical practitioner designated by Provincial Government and Officer in Charge of a Police Station. The medical practitioner shall record the statement of the burn victim immediately on arrival...” [79b] (p31)

23.45 Between January and December 2008, the Aurat Foundation recorded 320 cases of domestic violence. (2008 annual report, 17 February 2009) [57b] The HRCP Report 2008 noted that at least 185 women were killed in domestic violence incidents and at least 137 others were affected by domestic violence to varying degrees. [27e] (p122, **Women: Domestic violence**) The report also recorded “...four instances of amputation suffered by women in the course of domestic violence.” [27e] (p123, **Women: Mutilation**) Other incidents of domestic violence included 138 cases of burnings, some of which were caused by acid

attacks, cylinder explosions and stove burnings. [27e] (p119, Women: Violence against women)

- 23.46 The Freedom House *Freedom in the World 2009* Country Report on Pakistan observed that:

“A combination of traditional norms, discriminatory laws, and weak enforcement contributes to a high incidence of rape, domestic abuse, acid attacks, and other forms of violence against women; according to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of rape and other sexual crimes are often pressured by police not to file charges, and they are sometimes urged 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]

- 23.47 An article by IRIN, dated 11 March 2008, stated that “Domestic violence is endemic in Pakistan.” The report noted that in the 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 a 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]

- 23.48 The same source noted that:

“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]

See also sub-section: [Assistance available to women](#); Section 9: Police: [Torture](#) and Section 13: [Prison Conditions](#)

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Honour killings

- 23.49 The IRB 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]

23.50 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]

23.51 The IRB 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]

23.52 The IRB continued:

"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]

23.53 The Human Rights Watch Report 2009 (HRW Report 2009) stated that:

“Honor killings’ were perpetrated across the country in 2008, with particularly gruesome cases reported from Sindh and Balochistan provinces. In one case, five women were reported to have been shot and buried alive for marrying against their families’ wishes.

“Despite condemnation from human rights groups, Israrullah Zehri, a senator from Balochistan province who publicly defended honor killings as ‘tribal custom,’ and legislator Hazar Khan Bijrani, accused of presiding over a tribal jirga (council) that in 2006 ordered the handing-over of five girls, aged six and younger, as ‘compensation’ in a dispute, were elevated to Pakistan’s cabinet by President Zardari in November 2008.” [13a] (Discrimination)

- 23.54 Between January and December 2008, 472 women were recorded as being killed in so-called “honour” killings, 1,516 were documented as murdered and 123 cases of attempted murder were recorded. There were a total of 7,733 recorded cases of violence against women in 2008. (Aurat Foundation, 2008 annual report, 17 February 2009) [57b] However, the HRCP Report 2008 recorded at least 1,210 women were killed for various reasons, including 612 killed for honour. [27e] (p121, **Women: Murder and honour killings**) The *Daily Times* reported on 14 November 2008 that “According to statistics tabled in the Lower House, the total number of honour killings cases [from 2005 to 2007] is 1,019.” [55b] The main motives for murders and “honour” killings were suspecting the woman of having an illicit relationship or because of her choice of marriage partner. The perpetrators for most “honour” killings were the woman’s brother, father or other relative. (Aurat Foundation, 2nd National Quarterly Report) [57a] (p9)
- 23.55 The USSD Report 2008 noted that “Honor killings and mutilations occurred throughout the country during the year. Some men were also subject to honor killings, though women represent the majority of victims. Statistics on honor crimes were unreliable due to underreporting, but there were 476 killings of women reported between January and May.” [2k] (Section 5)
- 23.56 The HRCP Report 2008 stated that:
- “Killing[s] in the name of honour were witnessed across the country involving both men and women. A majority of victims however were women as men were usually exiled or forgiven or made to pay compensation in cash or in the form of hand of a female relative in marriage. In most cases women were killed on mere suspicion of having illicit relations or displaying an independent spirit that threatened the patriarchal way of life in their areas. According to an NGO, 17 women alone were killed on the pretext of Karo-kari in Sindh in the first two months of the year.” [27e] (p121, **Women: Honour killing**)
- 23.57 In its report, *The State of Pakistan’s Children 2008* (SPARC Report 2008), the Society for the Protection of the Rights of the Child noted that:
- “The selective use of religion and patriarchy, which interplay in the institution of the family, and the endorsement of it by the parallel judiciary systems [jirgas] provide a license to men to inflict violence and murder on their spouses/sisters/daughters in the name of honour, not only on the grounds of ‘illicit relations’ but for multiple reasons such as seeking divorce, rape, fake honour killings and to safeguard family property etc... The tribal system of retribution, and the formal legal system, both subject women and girl child to

cruel treatment and judgements are passed which are highly unfavourable to women. As state institutions the law enforcement apparatus and the judiciary have dealt with such crimes against women with extraordinary leniency, and as the law provides many loopholes for murderers in the name of honour to get away, the tradition of honour killings continue unabated.” [71e] (p37)

- 23.58 The Freedom House *Freedom in the World 2009* Country Report on Pakistan observed that “Government-backed legislation enacted in 2005 introduced stiffer sentences and the possibility of the death penalty for honor killings, but activists have questioned the authorities’ willingness to aggressively enforce it.” [19a] Commenting on its revised laws for honour killings, the Government of Pakistan stated in its report to the UN Committee on the Rights of the Child, dated 4 January 2008, that the low level implementation of laws was a problem, which was “Mostly... due to lack of adequate training to appropriately deal with the situation and apply the relevant provisions of the law.” [79b] (p31)
- 23.59 The USSD Report 2008 also noted the 2005 law that established penalties for honor killings. However, the report noted that “Human rights groups criticized the legislation because it allows the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges, a law known as ‘qisas’ and ‘diyat.’ Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.” [2k] (Section 5)
- 23.60 Human Rights Watch noted in their submission to the Human Rights Council, on 5 May 2008, that “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.” [13d]
- 23.61 In a Response to Information Request (RIR) regarding single women, dated 4 December 2007, the Immigration and Refugee Board of Canada (IRB) 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.” [12j]

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Rape

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

23.62 The USSD Report 2008 stated that "There were no reliable national statistics on rape, due to the serious underreporting of the problem. Local observers noted that rape was among the most taboo human rights violations in the country." [2k] (Section 5) However, the Aurat Foundation recorded 439 cases of rape and 307 cases of gang-rape, between January and December 2008, in its 2008 annual report. [57b]

23.63 The HRCP Report 2008 reported that:

"In 2008, HRCP noted 808 sexual harassment cases of which 350 were rape cases, 445 gang-rape cases and 13 of stripping. At least 221 victims were minors. Sexual harassment has grown in Pakistan and seems to have become more than merely a perverted activity. Often it is used to settle personal vendettas. Several panchayats and jirgas gave verdicts in 2008 where female relatives of the 'accused' were ordered to be raped by the 'victim's' party. Women and girls were also raped in revenge for seeking divorce, refusing marriage proposals, marrying of their own choice, defying cultural norms, and for many other efforts at independent-decision-making. Numerous cases were observed where girls were raped by their own fathers and other close family members and married women were molested by their in-laws. Women were also sexually harassed at work, a majority of whom were domestic help. Reports of girls being raped by teachers and at madrassahs were also received. A shocking trend of filming rape has also emerged and in many cases it was reported that the films were used to blackmail the victim for more sexual exploitation or money or the videos were sold on the black market. Several arrests were also made in this context bringing this aspect of the crime on the radar of law enforcement agencies." [27e] (p124, Women: Sexual harassment)

23.64 The USSD Report 2008 further noted that:

"Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in a case in which a marriage between the perpetrator and victim was contracted but not solemnized. Although rape was frequent, prosecutions were rare. Estimates were that victims reported fewer than 10 percent of rape cases to the police due to social norms and the fear of repercussions. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance... The punishment for rape ranges from 10 to 25 years in prison and a fine at a minimum, or the death penalty at a maximum. The penalty for gang rape is either death or life imprisonment, but sentences were often much lower." [2k] (Section 5)

23.65 The report also recorded that:

"In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases.

Women's rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced." [2k] (Section 5)

23.66 The same source continued:

"Police were at times implicated in rape cases. Police often abused or threatened victims and demanded they drop charges, especially when the accused had bribed police. Police demanded bribes from some victims prior to registering rape charges, and investigations were often superficial. NGOs reported that some police stations stopped recording rape complaints. Medical personnel did not have sufficient forensics training, which further complicated prosecutions." [2k] (Section 5)

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ASSISTANCE AVAILABLE TO WOMEN

Government Assistance

23.67 The USSD Report 2008 noted that in 2005 the authorities expanded the number of women's police stations "...with all female staff in response to complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations." [2k] (Section 1c)

See also Section 9: [Police](#)

23.68 With regard to the availability of centres to assist women, the USSD Report 2008 commented that:

"The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. There were approximately 70 district-run shelter homes and approximately 250 facilities operating as ad hoc emergency shelters for women in distress, including female police stations and homes run by the provincial Social Welfare departments. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. In some cases at the government-run shelters, women were abused. There were five non-governmental shelters, one each in Islamabad, Lahore, and Multan, and two in Karachi." [2k] (Section 5)

23.69 The HRC Report 2008 noted that "Shelter facilities for women remained sparse and inadequate in 2008. The government Darul Aman shelters retained their notoriety for being similar to detention centres with curfews, ill treatment and absence of a gendersensitive environment." [27e] (p128, **Women, Shelter for women**)

23.70 On the subject of women's crisis centres, the website of the Ministry of Women Development, last updated in July 2006, stated that 10 such centres

were in place in Islamabad, Lahore, Sahiwal, Vehari, Rawalpindi, Mianwali, Peshawar, Kohat, Quetta and Karachi. In addition 10 crisis centres were to be established in Faisalabad, Sialkot, Bahawalpur, Hyderabad, Mirpur, Sibi, Abottabad, Multan, Mirwala and Nawabshah. The centres were being run with local NGOs. The site also provided a list of services provided by the centres:

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

23.71 However, the HRCP Report 2008 noted that “The women’s shelters set up by the women’s ministry were not enough in number and also many were not completely functional.” [27e] (p128, Women: Shelter for women)

23.72 An article published by 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]

23.73 The same article observed that “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]

23.74 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 IRB 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]

- 23.75 The same source noted, with regards to women moving from rural to urban areas to find employment, that “They [the 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]

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Non-Governmental Organisations (NGOs) assistance

- 23.76 The USSD Report 2008 stated that “Numerous women's rights NGOs such as the Progressive Women's Association, Sehar, Struggle for Change, War against Rape, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence, the Hudood Ordinance, and honor crimes.” [2k] (Section 5)
- 23.77 The HRCP Report 2008 noted that “Private shelters continued to run and provide refuge as well as rehabilitation services allowed by their resources and outreach. Nevertheless, these facilities were small-scaled [sic], few and far between and relatively unknown to the masses which brought out the need for maximum government input and action.” [27e] (p128, Women: Shelter for women)
- 23.78 The website of the NGO, Lawyers for Human Rights and Legal Aid (LHRLA), under its section on Current Projects, 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]
- 23.79 The website of the Progressive Women's Association (PWA) stated that the ‘AASRA - The Shelter’, in Rawalpindi, was established in 1999, to assist domestic violence victims. [69a] (The Shelter) 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](#)

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WOMEN'S HEALTH

- 23.80 UNICEF recorded in its report, *The State of the World's Children 2008*, that Pakistan's Lady Health Workers was first launched in 1994 to "...expand preventative and curative health-care interventions to women and children...[and] to raise health awareness among communities that are cut off from hospitals and health centres by social barriers and distance." There are now at least 92,000 Lady Health Workers across the country, providing one worker to every village of at least 1,000 people (or 150 households). [72c] (*The State of Asia-Pacific's Children*; p23)
- 23.81 UNICEF noted in its Pakistan Annual Report 2008, dated February 2009, that:
- "A lack of trained and appropriately deployed health providers is an underlying cause of Pakistan's health problems. UNICEF supported the training of 375 doctors and paramedics in Emergency Obstetric Care, and 100 in essential and emergency newborn care. Training in antenatal care was provided to 200 health workers and another 60 were trained in infection prevention. Training on maternal, newborn and child health was provided to 45 facilitators and 194 health workers." [72b] (p16)
- 23.82 Responding to the UN Committee on the Rights of the Child, the Pakistan Government reported on 12 August 2009 that over 4,500 Community Midwives (CMW) students were under training across Punjab, Sindh, NWFP and Balochistan. [79] (p8)
- 23.83 The HRCP Report 2008 noted in its section on health that "In 2008... no female doctors were available in FATA [Federally Administered Tribal Areas] hospitals, which was a crucial problem for women in the area as many of them refused or were prevented from seeing a male doctor. Maternal morbidity remained high though the rate declined to 276 deaths per 10,000 live births, compared to 533 deaths in 1990." [27e] (p172, **Health: Public hospitals**)
- 23.84 Reporting on suicide rates, the HRCP recorded that they:
- "...remained high in 2008, the common reasons being growing poverty, domestic problems, marriage choice and forced marriages. Young women also committed suicide due to admonishments by parents or failure in love. Several cases of suicides due to terminal illness were also observed where either the women ended their lives due to depression or because they were unable to afford treatment. In many cases, especially where poverty was the issue, women attempted/committed suicide along with their young children. According to HRCP records, at least 798 women committed suicide and a further 541 tried to kill themselves during the year. The highest number of suicides was committed through intake of poisonous substances followed by women hanging themselves and setting themselves on fire." [27e] (p127, **Women: Suicide by women**)

See [Medical issues](#)

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24. CHILDREN

OVERVIEW

24.01 The Pakistan Overview on UNICEF's website, accessed 3 July 2009, 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.” [72a] (Background)

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 58 per cent of boys, there are 48 per cent of girls 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.” [72a] (Background)

24.03 However the UNICEF Pakistan Annual Report 2008 noted some positive achievements affecting children:

- “About 35 million children immunised against measles.
- Immunising, deworming, counselling on breastfeeding and nutrition, and information on good hygiene practices to 1.87 million children under five...
- Over 162,000 girls enrolled for the first time in 17 districts and 3,000 girls enrolled in middle school in 11 districts through community advocacy.
- School improvement plans to institute 735 child-friendly schools developed.
- Water and sanitation facilities including hygiene-related communication provided in 900 primary schools.
- Water quality tested in 48,000 schools in one province.
- Birth registration of 40,000 children achieved in Balochistan.
- Launch of national and provincial communication campaigns to prevent corporal punishment, child sexual abuse, and gender bias.
- Child Complaints Office established with the Federal Ombudsman.
- Birth registration bylaw revised in one province.
- Minimum standards for Childcare in Institutions introduced in four provinces.” [72b] (p7)

See subsection [Health and welfare](#)

- 24.04 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“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 children as young as 12 were arrested under the Anti-Terrorism Act. Children convicted under this act are subject to the death penalty.” [2k] (Section 5)

- 24.05 The Society for the Protection of the Rights of the Child (SPARC) website, 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 UNCRC 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)

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Basic legal information

- 24.06 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated that an “... ‘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 2008) [2k] (Section 5) However the Society for the Protection of the Rights of the Child report, *The State of Pakistan's Children 2008* (SPARC Report 2008), observed that under Muslim Personal Law “...if the girl has attained puberty and marries with an adult male with her own free will, the marriage is valid... in Pakistan a girl usually reaches puberty at the age of 13.” [71e] (p44)
- 24.07 Pakistan does not have military conscription and the minimum voluntary recruitment age is 17 years. (US Department of Labor's 2008 Findings on the Worst Forms of Child Labor, 10 September 2009) [91] (p163) The CIA World Factbook, updated 11 November 2009, stated that soldiers could not be sent into combat until they were 18 years of age. [34] (Military) However, the US Department of Labor stated that “There [are] also reports of children under the minimum voluntary recruitment age of 17 years being involved in armed conflict.” [91] (p163) It is illegal to employ children under the age of 14 years in factories, mines, railways and other hazardous occupations. (USSD Report 2008) [2k] (Section 5) The criminal age of responsibility is seven years old. (SPARC Report 2007) [71d] (p101) However, in its third and fourth periodic

reports to the UN Committee on the Rights of the Child, dated 4 January 2008, the Government of Pakistan stated that it would raise the age of criminal responsibility to age 12 years, under the proposed Child Protection Bill. [79b] (p103)

See also subsection [Domestic Legislation](#), [Underage/forced marriage](#), [Child Labour](#), Section 10: [Military Service](#); Section 23: [Women](#)

LEGAL RIGHTS

24.08 On 23 May 2006, the government approved the second National Plan of Action for children (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), the NPA "... 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)

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Domestic legislation

24.09 On 12 August 2009, the UN Committee on the Rights of the Child received a response from the Government of Pakistan on a list of issues prepared by the UN Committee on the Rights of the Child, published 1 September 2009. With regards to incorporating the UN Convention on the Rights of the Child (UNCRC) into the national legal system, the Government of Pakistan stated that it was:

"... fully committed to incorporate the provisions of the Convention on the Rights of the Child into its domestic laws... In order to bring the legal system in conformity with the Convention, the Child Protection (Criminal Laws Amendment) Bill, 2009, the National Commission on the Rights of the Children (NCRC) Bill, 2009 and the National Child Protection Policy have been prepared in consultation with relevant stakeholders and are being moved to the Cabinet for approval. The provisions of the Convention have been amalgamated in the NCRC Bill 2009. The Bills will be presented before the Parliament soon after approval of the Cabinet. This set of laws will be extended to all provinces and to Provincially Administered Tribal Areas (PATA), Federal Administered Tribal Areas (FATA) and Federal Administered

Northern Areas (FANA) [since 30 August 2009, FANA was renamed Gilgit/Baltistan]...” [79a] (p3) The Country of Origin Information Service is not aware, at the time of writing (December 2009), that these bills have progressed through parliament.

See also subsection [Childcare and protection](#)

24.10 On marriage law, the USSD Report 2008 observed that:

“Despite laws barring child marriages, there was evidence it occurred. In March [2008], the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage.” [2k] (Section 5)

See also subsection on [Forced marriage](#); and Section 23: Women, subsection [Family laws: marriage, divorce and inheritance](#)

24.11 The National Commission for Child Welfare and Development (NCCWD), part of the Ministry of Social Welfare and Special Education, recorded in its National Report on Child Sexual Abuse and Exploitation 2008 that the government had “...promulgated the following laws and rules that relate to Child Sexual Abuse and Exploitation:

- Police Order 2002
- Prevention And Control Of Human Trafficking Ordinance, 2002
- Prevention And Control Of Human Trafficking Rules, 2004
- The Punjab Destitute And Neglected Children Act 2004” [29I] (p15)

24.12 Regarding child labour, the USSD Report 2008 stated that:

“The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem. The law makes bonded labor by children punishable by up to five years in prison and up to 50,000 rupees (approximately \$635) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag picking, port areas, fireworks, and other hazardous occupations, and regulates their work conditions under the law. The government has identified four occupations and 34 processes considered illegal for children, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

“The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. No child is allowed to work overtime or at night and should be guaranteed one day off per week. In addition, the law requires employers to keep a register of children working for them, for examination by labor inspectors. These prohibitions and regulations do not apply to family businesses or government schools. The law protects all children under age 18 from exploitation, and defines exploitative entertainment as all activities related to

human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law.

“Enforcement was a serious problem. According to HRCP and SPARC, there were 10 to 11.5 million child laborers, many of them in agriculture and domestic work. The media reported that approximately 70 percent of non-agricultural child labor took place in small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities employing fewer than 10 persons. The Ministry of Labor, Manpower and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. Authorities say violations are immediately cited and prosecuted, but tacitly agree enforcement efforts are not adequate to meet the scale of the problem. Inspectors also have little training, insufficient resources, and susceptibility to corruption. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

“The law allows fines of up to 20,200 rupees (\$256) for violations of child labor laws. Authorities often did not impose penalties on violators during the year, and when they did the penalties were not a significant deterrent. Although law enforcement authorities obtained hundreds of convictions for violations of child labor laws, the fines the courts levied ranged from an average of 364 rupees (\$5) in the NWFP to an average of 7,344 rupees (\$93) in Balochistan.”
[2k] (Section 6d)

24.13 The USSD Report 2007 noted that:

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

See also subsection [Forced labour](#) and Section 34: [Employment Rights](#)

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Judicial and penal rights

24.14 The SPARC report, *The State of Pakistan’s Children 2007* (SPARC Report 2007), published May 2008, stated that the Juvenile Justice System Ordinance (JJSO) 2000 is:

“... the first federal law that specifically deals with juvenile justice. It sets the definition of a child at 18 years of age, raising it from 15 and 16 years in provincial laws and ending the ambiguity that prevailed earlier, and prohibits death penalty for individuals under the age of 18. However, the age for criminal responsibility has not been revised in the Ordinance which is still ‘seven years’. The Ordinance calls for the establishment of Juvenile Courts with exclusive jurisdiction to try cases in which a child is accused of

committing an offense. It gives a child accused of, or victim of, an offense, the right to legal assistance at the expense of the State.” [71d] (p101)

- 24.15 UNICEF stated in its Pakistan Report 2008 that “During 2008, about 400 law enforcement officials were trained to apply the principles of restorative justice to juveniles in conflict with the law, according to the Juvenile Justice Ordinance, with UNICEF support.” [72b] (p40)
- 24.16 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)
- 24.17 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)
- 24.18 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 that “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)
- 24.19 The SPARC Report 2007 noted that “Almost 85 percent of the 1,900 juvenile offenders in the jails of Pakistan are under trial. Most of them have been behind bars for more than four months in complete violation of the provisions of the JJSO... During visits in 2007 to different prisons in Bannu, Kohat, Bunner in the NWFP, SPARC found that some children were under trial for over two years.” [71d] (p107)
- 24.20 The Government of Pakistan recorded in its response to issues raised by the UN Committee on the Rights of the Child, published 1 September 2009, that “At a given time approximately 9,000 to 10,000 children remain in criminal litigation with the majority of them released on bail at their first appearance in the court.” The same source noted that as of 31 December 2008, 1,788 juveniles were in prison in Pakistan, of whom 1,635 were under trial. The report further stated that “Over 70 per cent of the juvenile prisoners are over the age of 15 years... Out of the total 153 convicted juvenile prisoners 121 are over the age of 15 years while the remaining 32 are over the age of 12 years. Over 95 per cent of all the convicted juvenile prisoners are housed in

exclusive Borstal Institutions and Youthful Offenders Industrial Schools.” [79a] (p26)

- 24.21 The Human Rights Commission of Pakistan noted in its State of Human Rights in 2008 report (HRCP Report 2008), published 1 April 2009, that “It was reported that around 64 children and 163 juvenile prisoners, aged 8-18, were imprisoned with adults in the Adiala Jail, Rawalpindi, because they had to be kept with their convicted mothers.” [27e] (p165, Children: Juvenile justice)
- 24.22 The Government of Pakistan reported to the UN Committee on the Rights of the Child that “Children have been convicted under the Zina and Hadood Ordinance during the reporting period [dates not confirmed]. However, their number remains very low. As on 31 December 2008, there were 15 juveniles convicted under different sections of the Zina and Hadood Ordinance. It is indeed important to note that on the above-mentioned date there were [a] total [of] 153 convicted juveniles all across Pakistan.” [79a] (p13)

See also Section 11 Judiciary: [Hudood Ordinances](#)

- 24.23 The Pakistan government is obliged to provide free legal aid to juvenile offenders under section three of the Juvenile Justice System Ordinance. [67b] (p78) However, the ACHR South Asia Human Rights Index 2008 stated that “most offenders continue to be denied access to legal aid primarily due to the failure of panel of lawyers to provide legal aid.” [67b] (p78)
- 24.24 The SPARC Report 2007 observed that “The JJSO calls for the establishment of Borstal Institutions for the rehabilitation of juveniles who have been convicted... The Punjab government has failed to establish a Borstal Institution in its capital city, Lahore... there are only two Borstal Institutions in Punjab...” [71d] (p112) The *Daily Times* reported on 22 November 2008 that “...the [North West Frontier Province] provincial government had resumed work on borstal institution in Bannu district and announced establishment of such institutions in other districts as well but no law was framed in the province for running these institutions...” [55m]
- 24.25 The SPARC Report 2007 further noted that:
- “Sindh has one Borstal Institute in Hyderabad, and a Remand Home and a Youthful Offenders Industrial School in Karachi. There are no separate arrangements for detention and rehabilitation of juvenile offenders in Balochistan, Islamabad Capital Territory and the tribal areas of FATA and PATA. The staff in the Borstal Institutes is not trained or made aware of child rights and how children who come into conflict with the law should be treated and cared for. There are no psychologists or counselors to help juvenile inmates deal with the problems that bring them into conflict with the law. The deplorable living conditions in the jails also add to the miseries of the juvenile inmates. There are no health, education and recreational facilities, except in a few selected jails.” [71d] (p112)
- 24.26 The same source added:
- “The prison conditions are bad in all four provinces for juvenile inmates because of a lack of resources and limited living space available to them. In some prisons efforts are being made to improve the living conditions and also

to reform the children... (p111) These juvenile offenders... suffer from harsh and inhuman treatment at the hands of the jail staff, older prisoners as well as the society once they are out. Within the four walls of the prison these children are denied basic rights such as education, health, recreation, safety and security, respect and dignity etc. There are four detention centers in Punjab with population of over 150 juvenile prisoners but they do not have any government supported school structure... Offenders live in poor and unhygienic conditions. In places like Sargodha, Muzaffargarh and Rajanpur, children are kept in the dirtiest parts of the prisons and Sargodha is one of the worst. Over 50 juveniles were kept in death cells at one time as found during a visit...

“The capacity of juvenile barracks is much below the number of juvenile inmates being kept there. In most cases it is almost double or triple of the actual capacity of the barracks. This creates a number of problems especially that of health. There are no proper bathrooms, personal cleanliness is not a priority, and crowded living also leads to unhealthy relationships. With below standard food intake, children are vulnerable to infections and skin diseases, particularly Scabies is common among the juvenile inmates. Lack of fans in summer, scarcity of blankets and lack of hot water in winter adds to their sufferings.” [71d] (p113-114)

See also Section 13: [Prison conditions](#)

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VIOLENCE AGAINST CHILDREN

24.27 The USSD Report 2008 recorded that:

“Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitored child abuse reported 1,417 cases by the end of November [2008], down from 2,650 in 2007. Seventy percent of child abuse cases involved female victims. Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined children illegally, kept them in unhealthy conditions, and physically or sexually abused them.” [2k] (Section 5)

See also subsection Education: [Madrassas](#)

24.28 According to Cruel Numbers 2008, a report published by the NGO Sahil, which works against child sexual abuse and exploitation, 1,838 cases of sexual abuse against children in Pakistan, which included 1,298 girls and 540 boys, were recorded in 2008. The majority of the crimes reported were for sodomy and abduction for sexual purposes. The report found that most abusers were known to the victims and that the abuse occurred in or near to the child’s home. Children living in rural areas and in the 11-15 year old age group were found to be most at risk. However, the report added that the figures quoted were unlikely to be a true reflection of such incidents occurring due to under reporting. [65a]

- 24.29 The Government of Pakistan recorded that the number of children sexually abused in 2008 was 2,321, which included 1,612 boys and 709 girls. (Report to UN Committee on the Rights of the Child, 1 September 2009) [79a] (p24)
- 24.30 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]
- 24.31 The HRCP Report 2008 recorded that:
- “Children were kidnapped for ransom, sexual assault, exacting revenge and other reasons. Children were also kidnapped to be sold or trafficked for forced labour and sexual exploitation within the country and abroad. Many young children were abducted and abandoned after they were raped/gang-raped. It is reported that stolen babies were also sold to childless couples for handsome amounts of money. At the end of 2007 cases started coming in of newborn babies being abducted from hospitals and these reports continued well into 2008. Several reports were received of newborns being abducted from both government and private hospitals in Karachi, Faisalabad, Rawalpindi, Hyderabad and Lahore. Various gangs were found to be involved in kidnapping the babies.” [27e] (p137, **Children: Kidnappings and trafficking**)
- See also Section 25: [Trafficking](#)
- 24.32 The National Commission for Child Welfare and Development (NCCWD) recorded in its National Report on Child Sexual Abuse and Exploitation 2008 that more than 70,000 children lived and worked on the streets of some of Pakistan's major cities. Many were at risk of being sexually abused; 76 per cent were recorded as being sexually active, often offering sex for shelter and food as a means to survive. [29I] (p8)
- 24.33 The SPARC Report 2007 recorded that:
- “Violence against children through customs and traditions is a major violation of child rights and it is practiced throughout the country under various names... The well known and much practiced inhuman cultural practices include Karo Kari (honor killing), Vani/Sang Chatti, Swara/ Walvar, Watta Satta (exchange marriages) Haq Bakhswana (to give away one's right) Quran marriages, child marriages, rape against minor age boys and girls, selling girls, Bachabazi (boy keeps)...” [71d] (p26)
- 24.34 Amnesty International's Annual Report 2009 on Pakistan stated that “Girls and women were increasingly targeted for abuses in the areas along the border with Afghanistan under Taleban control.” [4a] (**Violence against girls and women**)

See also Section 23: Women, subsection [Rape](#); and for treatment of children in prison see subsection on [Judicial and penal rights](#) above

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CHILDCARE AND PROTECTION

24.35 The HRCP Report 2008 recorded that:

“According to the Federal Minister for Social Welfare and Special Education a Child Protection Bill was ready and the Child Protection Policy had been drafted for submission to the cabinet. After approval of the policy the bill would be tabled. The policy features review of 78 laws relating to children. However, lack of information and implementation of existent laws meant that children remained at a high risk, with hundreds of them listed as victims of physical, psychological, verbal and sexual abuse. Instances of these could be found not only in the working fields but also in homes, schools, madrassahs, hospitals and other places that are supposed to provide a secure environment.” [27e] (p132, Children: Child protection)

24.36 On 12 August 2009, in response to questions put by the UN Committee on the Rights of the Child, regarding incorporating the Convention on the Rights of the Child (UNCRC) into federal and provincial legislation, the Pakistan Government stated that:

“The Provincial Governments are in process of setting up child protection systems based on the general principles of the Convention [UNCRC]... The Sindh Government is setting up a child protection authority for the province through the Sindh Child Protection Authority Bill, 2009... The NWFP Government is considering to set up [sic] a Provincial Commission for the Welfare and Protection of Children under the NWFP Child Welfare and Protection Bill, 2009... The Balochistan Government has drafted a provincial child protection policy in line with the National Child Protection Policy... The AJK Government is considering setting up a comprehensive child protection system through, the AJK Child Protection Authority Bill, 2009.” [79a] (p3)

24.37 The same source noted that three Child Protection Centres had been established, one in Islamabad and two in Balochistan. [79a] (p18)

24.38 UNICEF reported in its Pakistan Annual Report 2008 that:

“UNICEF’s Child and Adolescent Protection Programme works with government and other parties to create an environment in which Pakistani children are protected from violence, abuse, neglect and exploitation, and in reforming legislation in accordance with the Convention on the Rights of the Child [UNCRC]... Building the understanding of child rights amongst duty-bearers and children themselves is another foundation initiative.” [72b] (p39)

24.39 The same source added that:

“About 28,000 duty-bearers and 20,000 right holders were trained in protecting child rights in 2008. Knowledge and skills to address child neglect, abuse, exploitation and trafficking was disseminated amongst 800 service providers and 600 members of civil society were trained to advocate and implement the provisions of the CRC... At the national level, a communication campaign was

launched through radio, television and other channels to spread awareness of abuse, including physical, psychological, verbal and sexual. Teachers, health staff and families were also trained.” [72b] (p40)

- 24.40 *The News* reported on 7 August 2009 that a Children’s Complaint Office (CCO) was established in collaboration with the United Nations Children’s Fund (UNICEF) at the Secretariat of the Provincial Ombudsman Sindh (POS). The article noted that the CCO “... would provide a platform for addressing child rights issues through research, advocacy and engagement with children and other stakeholders on children’s rights.” [44f] A Child Complaint Cell was also set up by the Ombudsman Secretariat at Federal level. (Report to UN Committee on the Rights of the Child, 1 September 2009) [79a] (p5)
- 24.41 The National Commission for Child Welfare and Development (NCCWD) recorded in its National Report on Child Sexual Abuse and Exploitation 2008 that a number of child sex abuse (CSA) awareness raising and sensitization programmes for the general public, supported by the Government and non-governmental organisations (NGOs), have been run via the media, street theatres and in the workplace. [29I] (p9)
- 24.42 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 which provide “...care, support, information & help to... children...” [64d] [64e]
- 24.43 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 [PPC] 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 [a] 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 [Federal Sharia Courts] FSC. Zina liable to Tazir punishment [administered at the discretion of a judge rather than as defined by the Quran or Hadith] 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**)

See Section 23: Women, subsection [Women Protection Act \(WPA\)](#) and [Children's homes](#)

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Underage/forced marriage

24.44 In the SPARC Report 2008, it was noted that

"The practice of child marriages is common in all parts of Pakistan particularly in the poor urban and rural areas... [71e] (p43) Under the Muslim Personal Law, a girl under the age of 16 years is, according to the Child Marriage Restraint Act 1929, incompetent to contract a marriage. But if the girl has attained puberty and marries with an adult male with her own free will, the marriage is valid... in Pakistan a girl usually reaches puberty at the age of 13." [71e] (p44)

24.45 The USSD Report 2008 stated that:

"Despite laws barring child marriages, there was evidence it occurred. In March, the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage." [2k] (**Section 5**) The Freedom House *Freedom in the World 2009* Country Report echoed these concerns and stated "Despite legal bans, other forms of child and forced marriage continue to be a problem." [19a]

24.46 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." [41c]

24.47 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.” [41c]

24.48 Amnesty International (AI) stated in its Annual Report 2008 on Pakistan 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)** In its Annual Report 2009 for Pakistan, covering 2008 events, AI noted that no arrests were made following the forced marriage, in Sindh province, of three girls aged 12 to 14 years to settle a dispute over an “honour killing”. [4d] **(Children’s rights)**

24.49 The ACHR South Asia Human Rights Index 2008 reported that “The girl child continues to be considered as the ‘personal property’ of the family and used as a means to settle debt or family dispute.” The report gave instances where such practices had occurred. [67b] (p77)

24.50 The HRCP Report 2008 recorded that:

“A very serious trend of abducting minority girls was also seen on the rise. In Sindh many Hindu girls were reportedly abducted and forcibly converted to Islam and married off to Muslim men. These girls were not allowed to return home or ever keep in contact with their parents and families. This trend was growing across the country and also affecting religious minority communities other than Hindus. No proper legislation was in the field to address this serious issue and legal action against such cases had largely been unsuccessful.” [27e] (p137, **Children: Kidnappings and trafficking**)

See also Section 23: Women: [Socio-Economic Rights](#) and Section 19: Religion: [Interfaith marriage](#)

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Child labour

24.51 The USSD Report 2008 noted that “The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem.” [2k] **(Section 5)**

24.52 The US Department of Labor’s 2008 Findings on the Worst Forms of Child Labor, published 10 September 2009, stated that:

“In Pakistan, children of any age may be employed, provided that employers adhere to restrictions. It is illegal to employ children under 14 years in mines or other hazardous occupations or processes. Among the 4 occupations and 34 processes considered illegal for children to work are mixing and manufacturing pesticides and insecticides; fumigation; working at railway stations or ports; carpet weaving; construction; and manufacturing of cement, explosives, and other products that involve the use of toxic substances. Children may work in non-hazardous occupations, provided they do not work more than 7 hours per day (with a mandated 1-hour rest every 3 hours), do not work between 7 p.m. and 8 a.m., and do not work overtime. Various

restrictions apply to the work of children, 14 years and above, in these hazardous occupations.” [91 (p162)

24.53 The HRCP Report 2008 noted that:

“Although the government was still relying on the last comprehensive survey on child labour that was conducted in 1996, which placed the number of children labourers at 3.3 million, estimates by other organisations put the number at 11 million... Lack of proper statistics meant the problem could not be addressed properly and the severity of the issue remained diluted at best... Also, the failure to implement the National Plan of Action for the Elimination of Child Labour, which was introduced in 2001, meant that child labour and their exploitation continued unchecked. Growing poverty and rising food and commodity prices meant that more children were taken out of school and were pushed into labour.” [27e] (p132, Children: Child labour)

24.54 On the issue of bonded labour of children, the USSD Report 2008 noted that “Children were forced to work in the brick kiln and carpet weaving industries as well as in agriculture as part of their family's obligation to their feudal overlord.” [2k] (Section 6d) The same source added that “Bonded labor of children in brick kilns, rice mills, and textile factories remained a serious issue. In some cases families sold the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases they were kidnapped.” [2k] (Section 5)

24.55 The US Department of Labor (USDOL) observed that “Commercial sexual exploitation of children continues to be a problem. Children are trafficked within Pakistan for the purposes of sexual exploitation and bonded labor. Girls are trafficked internationally for forced labor. There are reports of children being kidnapped, maimed, and forced to work as beggars.” [91] (p162)

24.56 On a positive note, the same source stated that the International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) Timebound program, which ended in September 2008 “... withdrew 10,217 children and prevented 1,834 children from work in the glass bangle, surgical instrument, tanning, coal mining, scavenging, and deep-sea fishing industries.” Further programs, funded by the USDOL, other international governments and NGOs, continued to run in Pakistan in an attempt to combat the worst forms of child labour. [91] (p164)

See also subsection [Domestic legislation](#), Section 25: [Trafficking](#); and Section 34: [Employment rights](#)

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Children's homes

24.57 The National Commission for Child Welfare and Development (NCCWD) stated in its undated factsheet on Street Children, accessed 27 June 2008, that there were 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]

- 24.58 SOS Children's Villages' country overview of Pakistan, undated, reported that "... 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 25 January 2008, stated that the charity had 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]
- 24.59 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]
- 24.60 Reporting to the UN Committee on the Rights of the Child on 1 September 2009, the Government of Pakistan stated that "There are 8,356 children deprived of their family environment placed in 92 institutions all over the country. In the NWFP, 17 institutions housed 2,510 children, whereas in Sindh, 23 institutions housed 1681 children. In Punjab, 3,955 children placed in 49 institutions, whereas in Balochistan, 170 children placed in two institutions. In Federal Administered Tribal Areas 40 children placed in one institution." The same source noted that in 2008 there were 361 children placed in foster families. [79a] (p24)
- 24.61 The Edhi Foundation, the largest welfare organisation in Pakistan, noted on its 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 that there were 13 homes across Pakistan, seven of which were in Karachi. [10a] (Edhi Foundation Services)

EDUCATION

- 24.62 Europa World Online, accessed 5 June 2009, 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)
- 24.63 The HRCP Report 2008 recorded that:
- "The Economic Survey for 2007-08 released in June, revealed the staggering figure of 12,737 non-functional public sector educational institutions. This was of a total of 231,289 institutions, with Sindh having the largest share, almost 58 percent (7,387). Of these non-functioning institutions, 11,589 were public schools while 1,148 were other educational institutions. According to official statistics, about 37.8 percent schools in the public sector were without

boundary walls, 32.3 percent without drinking water, 56.4 percent without electricity, 40.5 percent without latrines and 6.8 percent without any physical structure.” [27e] (p161, Education: Primary and secondary schools)

24.64 The same source recorded that, according to the UNESCO EFA (Education for All) Global Monitoring Report 2009, Pakistan had one of the highest numbers of out-of-school children in the world. Large differences between provinces, urban and rural areas and household incomes impeded the progress of Pakistan’s basic education. HRCP also noted that “Latest UNESCO figures confirm Pakistan’s net enrolment ratio at 73 percent for boys and 57 percent for girls... At 120, Pakistan remained at the bottom in the EFA Development Index ranking (a less than 0.80 score) with the lowest allocations to education as a percentage of the GNP in terms of the public expenditure on education.” [27e] (p159, Education)

24.65 With regards to the subjects taught in schools, the Government of Pakistan reported to the UN Committee on the Rights of the Child, dated 1 September 2009, that “Islamiyat will be taught as a separate compulsory subject from Class-III to XII... English is to be taught from class-I onwards as a compulsory subject alongside Urdu... Medium of instruction for all science subjects will be English...” [79a] (p20)

24.66 The USSD Report 2008 stated that:

“Local laws do not mandate free public education, and schools generally charge tuition. Although some provincial governments such as Punjab's 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 madrassas. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.” [2k] (Section 5)

24.67 The USSD IRF Report 2009 noted that:

The Constitution safeguards ‘educational institutions with respect to religion.’ No student can be forced to receive religious instruction or participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination is also prohibited. Islamiyyat (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other religious groups are not legally required to study Islam, they are not offered parallel studies in their own religious beliefs. In some schools non-Muslim students may study Akhlaqiyyat, or Ethics. The Constitution specifically prohibits discriminatory admission to any governmental educational institution solely based on religious affiliation. Government officials stated that the only factors affecting admission to government educational institutions were students' grades and home provinces; however, students must declare their religious affiliation on application forms. This declaration is also required for private educational institutions, including universities. Muslim students must declare in writing that they believe that the Prophet Muhammad is the final prophet, another measure that singles out Ahmadis. Non-Muslims must have their religious affiliation verified by the head of their local religious community.” [2n] (Section II: Legal/Policy Framework)

- 24.68 The same source noted that “The public school curriculum included derogatory remarks in textbooks against minority religious groups, particularly Ahmadis, Hindus, and Jews, and the teaching of religious intolerance was widespread. The Government continued to revise curriculum to eliminate such teachings and remove Islamic overtones from secular subjects.” [2n] (Section II: Legal/Policy Framework)
- 24.69 The HRCP Report 2008 recorded that:
- “Nearly 6.5 million children in the age group of five to nine years remained out of the school. Even official figures (often suspected of overstating enrolment figures) confirmed that only 59 percent children in Pakistan were enrolled in primary schools. According to official figures, the boys on an average spend 3.8 years and the girls 1.3 years in school, instead of the conventional five-year period. There are phenomenally high dropout rates. According to figures reported in the [UNESCO] paper in November, over 2.6 million children of school-going age were out of school in NWFP.” [27e] (p163, Education: Children out of classrooms)
- 24.70 In an attempt to address the high number of out of school children, the Government of Pakistan told the UN Committee on the Rights of the Child, in a report dated 1 September 2009, that:
- “Poor and disadvantaged children are being provided with incentives in the form of food, nutrition and edible oil etc. Budget for education is being enhanced from the existing 2.2 per cent to 4 per cent of GDP. For the promotion of girl education a project has been implemented in collaboration with UNFPA [UN Population Fund]. Under the project existing girl primary schools have been renovated and incentives provided to the girl child of deprived families enabling them to continue their education. Free text books are being provided to all students of the primary school. Primary education in the public sector is almost free. Around 13,000 non formal basic education schools have been opened for out of school children. The said number is likely to increase to 20,000 in the next two years. The Compulsory Primary Education Act has been enacted in three out of four provinces of the country as well as in Islamabad Capital Territory.” [79a] (p14)
- 24.71 The HRCP Report 2008 noted that:
- “Women’s education suffered immense setbacks due to the continued targeting of girls’ schools and teachers in the Taliban dominated areas, especially Swat and Dir, and places affected by conflict between the local militants and the military. Many schools were forced to shut down after attacks or bomb threats and in many places students and teachers stopped showing up at all. Talibanisation of the area resulted in attacks on women’s educational facilities and NGOs working for women’s rights or even employing women. The government, like last year, was unable to take any concrete steps to prevent this and provide protection to the female teachers, workers and students.” [27e] (p119, Women: Education)
- 24.72 IRIN reported on 16 September 2008 that militants in the North West Frontier Province had destroyed 103 schools in the province, 99 per cent of which were girls’ schools. The article noted that “Pro-Taliban militants have burnt

shops and girls' schools, which they claim are spreading 'vulgarity'..." This has resulted in about 14,000 girls being out of school, adding to the estimated 50,000 children already unable to get an education because of the scarcity of places. [41e]

- 24.73 On 4 March 2009 IRIN reported that "Girls who had not been going to school in Swat Valley, North West Frontier Province (NWFP), since militants declared a ban on female education at the end of December 2008, have been tentatively returning. Several days ago, the NWFP provincial government reached a deal with Tehrik-e-Nifaz-e-Shariah Mohammadi (TNSM), whereby elements of Islamic law would be enforced and schools reopened." However, due to the fighting, many teachers left Swat, so there were not enough to teach in the schools. Also, some parents were still too frightened to allow their children to return to school. [41f]

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Madrasahs

- 24.74 On the availability and services by madrasahs (religious schools) the USSD IRF Report 2009 noted that:

"Islamic schools, or madrasahs, are traditional institutions for Muslims seeking a purely religious education. In many rural communities, madrasahs are the only form of education available. In recent years some madrasahs have taught extremist doctrine in support of terrorism. In an attempt to curb the spread of extremism, the 2002 Madrasah Registration Ordinance requires all madrasahs to register with one of the five independent boards (wafaqs), cease accepting foreign financing, and accept foreign students only with the consent of their government. Approximately 15,725 madrasahs had registered by the end of the reporting period; however, many civil society organizations and education experts disputed the statistics on the number of registered and unregistered madrasahs." [2n] (Section II: Legal/Policy Framework)

- 24.75 The same source added that:

"A 2005 framework for cooperative registration of madrasahs, including provision of financial and educational data and a prohibition on the teaching of sectarian or religious hatred and violence, remained stalled due to political upheaval and jurisdictional battles within the previous government. The Government and the independent madrasah boards had agreed to a phased introduction to all madrasahs of secular subjects, including mathematics, English, and science. The civilian government that took office in 2008 listed madrasah reform as a priority... All wafaqs continued to mandate 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. 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), Karachi, and northern Balochistan continued to teach extremism. Similarly, the Dawa schools, run by Jamaat-ud-Dawa, a charitable front for the banned Lashkar-e-Tayyiba, continued such teaching and recruitment for Lashkar-e-Tayyiba, a designated foreign terrorist

organization. Following the November 2008 terrorist attacks in Mumbai, India, attributed to Lashkar-e-Tayyiba, the government of the province of Punjab took over management of several Jamaat-ud-Dawa institutions.” [2n] (Section II: Legal/Policy Framework)

- 24.76 The *Daily Times* reported on 7 August 2009 that, in his address to the National Assembly on 6 August, the Minister for Religious Affairs, Hamid Saeed Kazmi, stated:

“The government registered 9,866 madrassas between 2005 and June 30, 2009, taking the total number of madrassas registered across the country to 15,843... The registration began after the promulgation of Societies Registration (Second Amendment) Ordinance 2005... there were 5,355 madrassas operating in Punjab, 2,852 in Sindh, 1,242 in the NWFP, 297 in Balochistan, and 120 madrassas in the federal capital.... [A]round 5,977 madrassas were registered in Punjab before the promulgation of the ordinance, while the data on those registered in other provinces prior to the ordinance’s promulgation was not available with the ministry.” [55p]

- 24.77 The HRCP Report 2008 stated that “Hundreds of thousands of children studying in Punjab’s madrassahs remained vulnerable to corporal punishment.” [27e] (p168, Education; Schooling at Madrassahs) The same report added that “In May [2008], it was reported that a 7-year-old blind boy was tortured to death by his madrassah teacher for not learning his lessons.” [27e] (p133, Children; Child protection)
- 24.78 The USSD Report 2008 added that “Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined children illegally, kept them in unhealthy conditions, and physically or sexually abused them.” [2k] (Section 5)

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HEALTH AND WELFARE

- 24.79 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)

- 24.80 The HRCP Report 2008 recorded that:

“The child population’s health deteriorated due to weak infrastructure of the health sector. Infectious diseases and illness resulting from poor water quality and sanitation was a common aggressor, killing many children that could have been saved through preventive methods. Pakistan was one of the three countries that were receiving 27% of the world’s aid in healthcare yet the

benefit of these projects was not reaching all sectors and localities and the public health sector remained in shambles.” [27e] (p130, Children: Health)

- 24.81 UNICEF recorded in its report, *The State of the World’s Children 2008*, that “In Pakistan, boys aged five or under are more likely to be immunized than girls of the same age and are more likely to have greater access to health care.” [72c] (*The State of Asia-Pacific’s Children*; p23)
- 24.82 UNICEF noted in its *Pakistan Annual Report 2008* that:
- “Nearly one in ten Pakistani children die before reaching five years of age: over half these deaths are in the first month of life. Inadequate, inaccessible health services as well as poor knowledge of nutrition and hygiene contribute to these high rates and to the high maternal mortality of 276 deaths per 100,000 live births. Poor sanitation and water contributes to high mortality and disease, with open defecation common in many areas, poor hygiene behaviour, and many sources of water contaminated with bacteria or arsenic.” [72b] (p10)
- 24.83 The National Institute of Child Health (NICH) is the largest and only children’s hospital in Sindh Province, based in Karachi. The hospital provides tertiary care for most paediatric diseases and has a number of departments which include nephrology, endocrinology, neonatology, oncology and psychiatry. [80] (**Department Profile**) The Child Aid Association (CAA), a voluntary organisation working within the oncology department at the NICH, provided free medicines, support and specialist care to underprivileged child cancer patients. [81a] The CAA noted that in addition to the care provided in the oncology unit, “... 896 patients from other units of NICH were provided totally free or 50% free facility for special investigations and free medicines not available at the NICH.” [81b]

Basic statistical information can be obtained on the [UNICEF website](#).

See Section 26: [Medical Issues](#) and subsection [Overview](#)

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25. TRAFFICKING

OVERVIEW

25.01 In its introduction to Pakistan, the US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) recorded that “Widespread trafficking in persons, child labor, and exploitation of indentured and children were ongoing problems...” [2k] (Introduction) The same report stated that:

“The Federal Investigation Agency's (FIA) anti-trafficking unit had primary responsibility for combating trafficking. An inter-ministerial committee on human trafficking and smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking. Authorities registered approximately 1,300 human smuggling cases during the year. This figure included trafficking cases, because the FIA did not distinguish between trafficking and human smuggling.” [2k] (Section 5)

25.02 The US Department of State Trafficking in Persons Report 2009 (USSD TIP Report 2009), published on 16 June 2009, noted that:

“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. Despite these significant overall efforts, including the prosecution of some trafficking offenses and the launch of public awareness programming, the government did not show evidence of progress in addressing the serious issues of bonded labor, forced child labor, and the trafficking of migrant workers by fraudulent labor recruiters; therefore, Pakistan is placed on Tier 2 Watch List. Convictions of trafficking offenders decreased during the reporting period. The government continued to punish victims of sex trafficking and did not provide protection services for victims of forced labor, including bonded labor.” [2d] (Pakistan)

25.03 On legislation that prohibits trafficking the USSD Report 2008 stated that:

“The law prohibits domestic and international trafficking in persons; there were reports, however that persons were trafficked to, from, and within the country... Maximum penalties range from seven to 14 years' imprisonment plus fines... By the end of the year, authorities discovered and detained nearly 5,000 individuals attempting to travel on fraudulent exit permits or traveling through illegal routes. The FIA's human trafficking cell estimated that 7,000 to 8,000 people attempted to leave the country via trafficking rings, on forged or fraudulent documents. Through November the FIA arrested 183 agents involved in false attempts to send smuggled individuals abroad. The FIA also issued a 'red book' including the names and addresses of the smuggling agents whom the police had not captured. Although journalists and officials had access to the red book, the general public did not.” [2k] (Section 5)

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Trafficking to and from Pakistan

25.04 The USSD Report 2008 stated that:

“The country was a significant source, transit, and destination country for trafficked persons, and internal trafficking was a serious problem reportedly involving thousands of women and children. Men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. The country was also a destination for women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, and Central Asia for commercial sexual exploitation and forced labor. Women from Bangladesh, Sri Lanka, Nepal, and Burma were trafficked through Pakistan to the Gulf.” [2k] (Section 5)

- 25.05 The Human Rights Commission of Pakistan (HRCP) recorded in its State of Human Rights in 2008 report (HRCP Report 2008), published 1 April 2009, that:

At the beginning of the year, the federal ministry for human rights acknowledged the seriousness of trafficking of young girls to the Gulf States by organised groups. These groups posed as promoters of cultural events abroad and hired numerous girls from all over the country, especially Lahore and Karachi, and usually took them to Dubai to perform in dramas, musical events and other such affairs. However, these women could be sold off for sexual purposes once they reached the destination. The girls were sometimes as young as 10-11-year-old. A majority of the families, who became aware of their girls' fate, chose silence to avoid shame and disgrace, which made it harder to identify and apprehend the culprits.” [27e] (p126, **Women: Trafficking of women**)

- 25.06 On the problem of trafficking camel jockeys to the Middle East, the USSD Report 2008 observed that “The government, in cooperation with UNICEF and the United Arab Emirates, worked to repatriate and rehabilitate children used as camel jockeys. An estimated 700 children were repatriated through these efforts since 2005. The FIA facilitated payment of compensatory damages from the UAE.” [2k] (Section 5)

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Trafficking within Pakistan

- 25.07 With regard to internal trafficking in Pakistan the USSD Report 2008 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 the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country.” [2k] (Section 5)

- 25.08 On the same subject of internal trafficking, the USSD TIP Report 2009 noted that:

“The country's largest human trafficking problem is that of bonded labor, which is concentrated in Sindh and Punjab provinces, particularly in brick kilns, carpet-making, agriculture, fishing, mining, leather tanning, and production of glass bangles; estimates of Pakistani victims of bonded labor, including men,

women, and children, vary widely but are likely over one million. Parents sell their daughters into domestic servitude, prostitution, or forced marriages, and women are traded between tribal groups to settle disputes or as payment for debts.” [2d] (Pakistan)

See Section 24: [Children](#), subsection [Violence against children](#) and [Child Labour](#)

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Prosecution

25.09 The USSD TIP Report 2009 observed that:

“The Government of Pakistan made insufficient law enforcement efforts to address trafficking in 2008, particularly in regard to labor trafficking. Pakistan prohibits all forms of transnational trafficking in persons through its Prevention and Control of Human Trafficking Ordinance (PACHTO); the ordinance’s prescribed penalties range from seven to 14 years’ imprisonment. The government uses Sections 17 through 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 or a fine, or both. Prescribed penalties for all above offenses are sufficiently stringent and commensurate with those for other grave crimes, such as rape.

“Pakistan did not provide data to demonstrate any significant law enforcement efforts against labor trafficking. Though Pakistan has a substantial problem of bonded labor, neither the federal nor the provincial governments provided evidence of criminal prosecutions, convictions, or punishments for perpetrators of bonded labor, or for other acts of forced labor, including fraudulent recruitment for the purpose of forced labor, and forced child labor.” [2d] (Pakistan: Prosecution)

25.10 The same source stated that:

“With respect to sex trafficking, primarily prosecuted as a transnational crime under PACHTO, during the reporting period, the government secured the convictions of 28 trafficking offenders – 24 fewer than last year; unlike in past years, the Federal Investigation Agency (FIA) did not make available the specifics of the punishments given to trafficking offenders. During the reporting period, FIA, with assistance from IOM and NGOs, continued to offer training on investigating trafficking cases and sensitively treating victims; FIA did not provide data on the number of law enforcement officials that received such training. Government officials at all levels have been implicated in human trafficking; there were reports of bribery of government and law enforcement officials during the reporting period. Pakistani authorities disciplined 147 law enforcement officers for complicity with human trafficking under the Government Service Rules and Regulations; 12 were permanently removed, four were compulsorily retired, and seven were reduced in rank. The remaining cases resulted in administrative actions.” [2d] (Pakistan: Prosecution)

25.11 On the matter of prosecutions of government officials, the USSD Report 2008 noted that traffickers had bribed officials to facilitate their passage. The report

added that FIA inspectors were also arrested for facilitating trafficking. [2k] (Section 5)

Assistance to victims of trafficking

25.12 The USSD TIP Report 2009 stated that:

“The government’s efforts to protect victims of trafficking were inadequate during the reporting period. Pakistan did not report any programs to identify and protect victims of forced labor – the largest sectors of Pakistan’s trafficking victims – particularly bonded labor and forced child labor in informal industries such as domestic work. Foreign victims of trafficking also did not receive government protection services. Protection for victims of commercial sexual exploitation remained limited; internally trafficked women could access 25 federal government-run ‘Women’s Centers’ or 276 provincial government-run ‘Darul Aman’ centers offering medical treatment, vocational training, and legal assistance to abused women and children. Pakistani sex trafficking victims were sometimes arrested and incarcerated for prostitution without screening for evidence of trafficking, and some were subjected to punishment under Islamic law for fornication and adultery. During the year, the Punjab Government’s Child Protection Bureaus in Lahore, Rawalpindi, Rahim Yar Khan, Multan, and Faisalabad sustained efforts begun in 2005 to rescue child beggars from the streets and provide rehabilitative services; at the time of this writing, Lahore’s facility housed 219 boys. In past years, the government encouraged foreign victims to participate in investigations against their traffickers by permitting them to seek employment while awaiting trial; there is no evidence of the government providing assistance to foreign trafficking victims in 2008 or encouraging their participation in investigations. Foreign victims reportedly were not prosecuted or deported for unlawful acts committed as a direct result of being trafficked, but some foreign victims may have been subject to punishment for fornication, even as victims of sex trafficking. The government did not provide foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution. The Ministry of Overseas Pakistanis provided assistance to repatriated Pakistani trafficking victims, such as medical, legal, and financial assistance.” [2d] (Pakistan: Protection)

25.13 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: Assistance available to women](#); and Section 24: [Children](#)

25.14 With regards to the prevention of trafficking, the USSD TIP Report 2009 noted that:

“Pakistan made a number of efforts to prevent trafficking in persons during the reporting period, though lack of public awareness continued to be a problem. In 2008, the FIA sponsored anti-trafficking advertisements in major Urdu- and English-language newspapers, and its officers visited the five Punjab districts identified as major source areas to convene discussions with typical source communities. The FIA launched a hotline for reporting cases of trafficking and smuggling that received 811 complaints, but did not specify the number of trafficking-specific calls. In addition, the Ministry of Interior produced and distributed a film about the dangers of trafficking on state television and to vulnerable populations along the border with India. The government, however, did not take any reported measures during the reporting period to reduce the country’s considerable demand for bonded labor, nor did it address demand for commercial sex acts. The government did not provide anti-trafficking training to its nationals deployed abroad for international peacekeeping missions. Pakistan has not ratified the 2000 UN TIP Protocol.” [2d] (Pakistan: Prevention)

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 26.01 The Human Rights Commission of Pakistan (HRCP) recorded in its annual report, *The State of Human Rights in 2008* (HRCP Report 2008), published 1 April 2009, that “Health expenditure as a percentage of GDP [Gross Domestic Product] was 0.57% in fiscal 2007-08, almost the same as it has been since 2001.” The same source added that “One doctor was available for every 1,225 persons, one dentist for every 19,121 persons, one nurse for every 2,501 persons and one lady health visitor (LHV) for every 16,845 persons in Pakistan.” [27e] **(Highlights: Health)** The website [Medics Travel](http://medics-travel.com) published a list of medical organisations in Pakistan (accessed 5 June 2009). [15] Further information on medical facilities in Islamabad is provided by the US Embassy, Islamabad:
http://islamabad.usembassy.gov/medical_information.html. [2j]
- 26.02 The USSD’s Consular Information Sheet on Pakistan, last updated 21 November 2008, reported that:
- “Adequate basic non-emergency 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...Water is not potable anywhere in Pakistan and sanitation in many restaurants is inadequate. Stomach illnesses are common.
- “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. Any emergency case should be transported immediately to a recommended emergency receiving room. 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 uneven.” [2e]
- 26.03 In its Travel advice for Pakistan, updated 4 January 2010, the Foreign and Commonwealth Office (FCO) stated that “Outside the major cities there are few hospitals of UK standards.” [11a] **(Health)**
- 26.04 The International Organization for Migration (IOM) recorded in its *Information on Return and Reintegration in the Countries of Origin (IRRICO)* factsheet for Pakistan, updated 29 April 2009, that:
- “There are various professional bodies established in Pakistan to look after medical resources and needs namely; Pakistan Medical and Dental Council (PMDC), Pakistan Dental Association (PDA), College of Physicians & Surgeons (CPSP). In addition, the National Institute of Cardiovascular Diseases (NICVD) was established to meet the national need to cope with the increasing demand for the diagnosis, management and prevention of cardiovascular diseases and also to keep pace with the rapid technological advances in the practice of cardiology through research and development. Likewise, the implementation of the National Programme for Family Planning and Primary Health Care is a timely and much-needed response to the health care needs of the rural communities in the country... A visible increase has

been witnessed in the establishment of health care services across the country. Basic Health Units (BHU), Rural Health Centres (RHC), and civil dispensaries exist in the remote rural areas to meet the health needs of the local communities. In the cities there exist both government and private hospitals with modern technologies available to meet a variety of health challenges.” [85a]

26.05 The HRCP Report 2008 stated that:

“There are a total of 945 hospitals, 4,755 dispensaries, 5,349 BHUs, 903 Maternity & Child Health Centres and 290 TB Centres in Pakistan as of date. Finally, the figure for population per hospital bed was 1,517. These figures show only a minimal increase over the statistics for previous years... Throughout the year there were reports that facilities at state-owned hospitals were poor. A common complaint was that doctors were not present at their posts. The main reason was that doctors were holding jobs at both private and public hospitals. Service at private hospitals was preferred because of the higher monetary incentives available there. There were also many reports of the non-availability of basic medicines, such as anti-rabies medication at public hospitals.” [27e] (p171, **Health: Existing Services**)

26.06 The same source added that “Pakistan continues to lag behind in the provision of critical care medicine which could be provided by private hospitals. This includes the treatment of asthma attacks, severe infections, complicated deliveries, road traffic accidents and many other conditions that can cause the death of otherwise healthy persons within a few hours...” [27e] (p173, **Health: Critical care**)

26.07 Pakistan’s Ministry of Health provided a National Essential Drugs List, Third Edition, undated. [29m] The IOM’s IRRICO factsheet for Pakistan stated that the list was of “...essential drugs (as defined by WHO [World Health Organization]) that satisfy the health care needs of the majority of the population. It is approved by the Government with the aim that all the medications listed should be available at all times in adequate amounts and in the appropriate dosage forms in hospitals, clinics and pharmacies.” [85a] The list can be accessed at <http://www.dcomoh.gov.pk/publications/nedl.php>. [29m]

26.08 The website PakMediNet <http://www.pakmedinet.com/> (accessed 5 June 2009) also provides a database of drugs available in Pakistan. Pharmagen Online Pharmacy, Pakistan’s largest online pharmacy, allows consumers to choose from more than 7,000 products from 25 different categories <http://www.pharmagenpharmacy.com/AboutUs.aspx> (accessed 5 June 2009).

26.09 Correspondence to the UK Border Agency, dated 13 October 2008, from UNHCR via their partner agency SACH (Struggle for Change) stated that:

“Foreign patients are not entitled for free medicines/consultation/tests/medication etc [in Pakistan]. National laws do not give any indication or provision to provide free treatment to foreign patients.

“Free services are available to residents of Pakistan who either possess the Zakat form attested from the area counselor or to government employees. Other categories of Pakistan nationals have to bear medicine cost, not available in hospital, and surgical item cost. Vaccination and family planning

measures are available to all free of cost. Basic Health units and central health units... provid[e]... free of cost treatment for minor ailment[s], and free obstetric care is provided to Pakistan nationals and to Afghan nationals in North West Frontier Province of Pakistan.

“[The] North West Frontier provincial government hospitals do entertain Afghan nationals for health care in their government hospitals but [most have] to pay for medicines and surgical items.” [20c]

See also Section 23: [Women’s health](#) and Section 24: Children; [Health and welfare](#)

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

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

“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.” [35m]

- 26.11 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. [35m]

- 26.12 The USSD Report 2008 reported that:

“According to the government’s National Aids Control Program (NACP), there was no observed discrimination based on HIV/AIDS status observed in the government service. Societal attitudes toward HIV-positive individuals are changing slowly, but social discrimination lingers. The NACP reported there were approximately 90,000 HIV-positive individuals in the country, and approximately 50 percent of those lived in Sindh Province. The report stated that ‘entrenched age-old social attitudes, practices, and stereotyping, which often lead to violence against women, coupled with unequal access to economic resources, are hampering progress toward dealing with the spread of HIV/AIDS’.” [2k] (Section 5)

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CANCER TREATMENT

- 26.13 The Pakistan Atomic Energy Commission recorded on its website, last modified on 23 February 2009, that the Commission was "... providing diagnostic and treatment services of cancer related diseases to over 3,50,000 [sic] patients annually through its 13 state-of-the-art medical centres all over the country. More centres will be added shortly." A list of the centres was provided on their website at <http://www.paec.gov.pk/paec-ct.htm>. [59]
- 26.14 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]
- 26.15 Other hospitals with Oncology departments include:
- Pakistan Institute of Medical Sciences (PIMS), Islamabad <http://www.pims.gov.pk/>
 - University of Health Sciences (Jinnah Hospital), Lahore <http://www.uhs.edu.pk/registration/affinst/aimc/aimc.html>
 - Shaukat Khanum Memorial Cancer Hospital and Research Centre, Lahore <http://www.shaukatkhanum.org.pk/html/index.html>
- 26.16 In an article dated 30 July 2007 on hospice and palliative care in Pakistan, the *Daily Times* reported that "There are no hospice at home programme[s] or palliative care unit[s] in the true sense in the Govt hospitals. There are [a] few NGO/Charitable organisations running cancer care centers and convalescent homes, but they too lack the palliative care support essence. In general most of the doctors and nurses lack specialized training in cancer pain management." [551]
- 26.17 The Child Aid Association (CAA), a voluntary organisation working within the oncology department at the NICH, provided free medicines, support and specialist care to underprivileged child cancer patients. [81a]
- 26.18 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]

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KIDNEY DIALYSIS

- 26.19 The Noor Foundation UK, accessed 3 July 2009, has established 17 kidney dialysis centres across Pakistan. The centres are run by its sister organisation, the Noor Foundation Pakistan (NFPK), and The Anjuman Felaho Behbood Insaniat. All the centres are housed in government hospitals in Punjab, Sindh, Kashmir and the North West Frontier Province. [48]

MENTAL HEALTH

- 26.20 The *New Statesman* reported in an article dated 22 October 2008 that changes in Pakistan’s mental health legislation, namely the 2001 Mental Health Ordinance, had yet to be enacted. The report noted that “Estimated numbers of Common Mental Disorders (CMDs) such as depression and anxiety are among the highest in the developing world, confirmed by high sales of tranquilisers, sleeping tablets, and anti-depressants, all of which are available over the counter.” The article added that “...90% of mental healthcare in Pakistan is private... On average, it costs between 600-1500 rupees to see a psychiatrist - half the salary of a low-paid worker... there are just 4000 – 5000 beds in psychiatric wards, serving a population of well over 160 million.” [18a]
- 26.21 In an article on mental healthcare, dated 8 November 2007, IRIN reported that “According to Lahore’s University of Health Sciences Vice-Chancellor Malik Hussain Mubashir, there is only one psychiatrist for every 10,000 people in Pakistan, one child psychiatrist for four million children estimated to be suffering mental-health issues and only four major psychiatric hospitals and 20 such units attached to teaching hospitals.” [41b]

26.22 In contrast to the above, the HRCP Report 2008 recorded that “There was a dearth of professionals dealing with mental health in Pakistan – one psychiatrist for approximately 100,000 people.” The same source added that

“67% of Pakistan’s population residing in rural areas received mental healthcare, if at all, from general physicians. This was harmful as medical education in Pakistan lacks basic training in psychiatry at the undergraduate level. Lack of mental healthcare facilities leads to people seeking help from so-called pirs and quacks, who often endanger the lives of those brought to them for healing.” [27e] (p176, Health: Mental health)

26.23 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]

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

“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]

- 26.25 The Mental Health 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 amitriptyline); and procyclidine. [5b]

See also subsection [Overview of availability of medical treatment and drugs](#)

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27. HUMANITARIAN ISSUES

- 27.01 In its Travel Advice for Pakistan, updated 4 January 2010, the Foreign and Commonwealth Office (FCO) recorded that “Earth tremors are common and mountainous areas regularly experience floods and landslides. A series of earthquakes struck Northern Balochistan on 29 October 2008 with a magnitude of up to 6.4 on the Richter Scale. The districts of Ziarat and Pishin have been most badly affected.” [11a] (Natural Disasters)
- 27.02 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in its Pakistan Humanitarian Response Plan 2008, dated 8 September 2008, that:

“In August [2008] Pakistan suffered a series of overlapping crises that have led to substantial internal displacement and left hundreds of thousands in need of humanitarian assistance... Unusually heavy monsoon rains and flash floods in early August affected over 300,000 people. Peshawar District in the North West Frontier Province (NWFP) and Rajanpur District in Punjab Province were particularly badly affected. In addition, renewed fighting between the Government and militant groups in the Federally Administered Tribal Areas (FATA) and in Swat District in NWFP caused significant internal displacement.” [74]

See also Section 8: [Security situation](#) and Section 29: [Internally Displaced Persons \(IDPs\)](#)

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28. FREEDOM OF MOVEMENT

28.01 In respect of freedom of movement within the country, foreign travel, emigration, and repatriation, the US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that the law provides for these rights, although the government limited them in practice. The report noted that “The government required foreigners to have special permits to enter certain restricted areas, including FATA [Federally Administered Tribal Areas], Balochistan, and parts of NWFP [North West Frontier Province], due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir.” [2k] (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 NOCs 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 year's end, there were approximately 636 names on the Exit Control List (ECL). According to human rights lawyers, the number of persons on the ECL dropped sharply after the Lahore High Court took notice of the list in May [2008]. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name to the ECL, 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 to the courts for removal of their names. On August 28, Rehman Malik, the Advisor on Interior Affairs, announced that the government removed Baloch political leaders from the ECL... 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].” [2k] (Section 2d)

See also Section 33: Exit/entry procedures: [Exit Control List](#)

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29. INTERNALLY DISPLACED PERSONS (IDPs)

29.01 Oxfam reported on 16 June 2009 that:

“The offensive launched by the Pakistan army against armed militants in North West Frontier Province (NWFP) at the end of April 2009 has resulted in a massive exodus requiring an enormous humanitarian response. Although exact numbers are difficult to verify, at least two million women, men, and children fled their homes in the districts of Swat, Dir and Buner, mostly during May. In late May, the UN refugee agency (UNHCR) was registering 126,000 newly displaced people per day. This unprecedented internal flight comes after more than half a million people were displaced between August 2008 and March 2009 by clashes in the Federally Administered Tribal Areas (FATA). The total figure of internally displaced persons (IDPs) is likely to rise as military operations extend into other areas. Clashes in the tribal agency of South Waziristan in recent weeks have resulted in thousands of people fleeing to neighbouring districts such as Tank. Hundreds of thousands have been trapped in embattled Swat and adjoining areas by clashes and curfews, suffering severe shortages of food, water, electricity, and medicines for weeks. Livelihoods have been severely damaged. Most IDP families rely on agriculture for their incomes and the conflict erupted just as the vital wheat harvest season was beginning. Civilian infrastructure has been severely damaged.” [83b]

29.02 Minority Rights Group International reported on 11 August 2009 that the Taliban insurgency in FATA and NWFP, and the resulting military offensive in those areas had, since May 2009, created 2.5 million IDPs, of whom 235,000 were in IDP camps in Pakistan. [93b] On 10 August 2009, the UN News Centre reported that approximately 765,000 IDPs had returned to their homes, although ongoing military operations had caused further displacement. The report noted that, according to the OCHA (Office for the Coordination of Humanitarian Affairs), 1.2 million IDPs were living with host communities and 120,000 others were sheltering in camps. [88b]

29.03 Reporting on IDPs in the FATA, the OCHA noted in its Situation Report on South Waziristan displacement, dated 19 November 2009, that:

“As of 17 November, 54,333 families (approx. 400,000 individuals) have registered in the two hosting districts of D.I. Khan and Tank; 36,787 families (approx. 260,000 individuals) of which have been verified by the National Database and Registration Authority (NADRA). According to NADRA, 17,546 families (approx. 128,000 individuals) are not eligible for IDP status due to multiple registrations, the validity of their ID cards or because of their places of origin.

“The mission established that about 300,000 internally displaced persons (IDPs) (75 percent of all IDPs from South Waziristan) are from the Mahsud tribe, which means that almost the entire Mahsud population have left their homes. Most of the IDPs come from poor backgrounds and are in need of assistance. They reported large-scale destruction and damage in the conflict-affected areas of South Waziristan (destruction/severe damage to houses, livestock and social infrastructure). According to IDPs in D.I. Khan, about 7,000 civilians, mostly men, have stayed behind to look after their

belongings... According to the mission, there are currently about 2,000 families (approx. 14,500 individuals) from the Bhattani tribe, who are not from the government-notified areas and do not meet the criteria for governmental registration. However, these IDPs received initial humanitarian assistance (food and non-food items).” [83d]

29.04 UNHCR reported on 24 November 2009 that:

“Up to 900,000 people from the northern areas of the FATA and NWFP could still be displaced and staying with host communities, according to overall relief distribution figures. Movement back and forth between displacement and return areas has made it difficult to have a more precise estimate on the remaining IDPs... There are currently more than 100,000 people residing in 10 camps in the North West Frontier Province. Jalozai is the largest, accommodating more than 80,000 people, primarily from the Federally Administered Tribal Areas (FATA). Some IDPs have now lived at Jalozai camp for a year. About 30,000 people from Bajaur and Bara in Khyber Agency have registered at the camp since October.” [20e]

29.05 The OCHA reported on 3 July 2009 that:

“According to the Provincial Government [NWFP], the National Database and Registration Authority (NADRA) has so far verified 270,000 families or approximately 1.9 million people... Findings from a 25 June multi cluster assessment to Buner supported NADRA verified data showing that, of the 650,000 people in the district, 66,488 families or 465,416 individuals have been displaced. This is almost 71 percent of the area’s population, out of which an estimated 30 percent of IDPs have returned to their places of origin in the last three weeks. Based on interviews, it is estimated that an average of 300 families return to Buner every day...” [83c]

See also Section 8: [Security situation](#)

29.06 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) noted that:

“During the year, the number of IDPs fluctuated due to military action and sectarian violence in the NWFP and the FATA and floods in NWFP and Punjab. The UN High Commission for Refugees (UNHCR) estimated that military operations in Bajaur alone generated approximately 190,000 IDPs and an estimated 90,000 in Swat by September. At year’s end, approximately 200,000 IDPs remained displaced from FATA and NWFP. Many IDPs from Swat and Bajaur were taken in by friends and relatives, which complicated the counting efforts. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

“In the districts surrounding Bajaur, the government, supported by UNHCR and other organizations, provided temporary food and shelter for the IDPs in 11 camps and worked with international organizations and NGOs to supplement government-provided assistance. IDPs complained of the poor hygiene in the camps.” [2k] (Section 2d)

29.07 Médecins sans Frontières (MSF) noted in its 11th Annual ‘Top Ten Humanitarian Crises for 2008’, undated, regarding the displacement of people

due to the fighting in Northwestern Pakistan, that “In August [2008], thousands of Pakistanis were displaced within the country or fled to neighboring Afghanistan for safety. At the same time, the Pakistani army also began expelling Afghan refugees, specifically in Bajaur Agency, for alleged connections to militant groups.” [56a]

- 29.08 Reporting on internal displacement in Balochistan, the Internal Displacement Monitoring Centre (IDMC) reported on 15 May 2008 that, since full-scale army operations were launched in Balochistan in December 2005 following a failed attempt on the life of former President Musharraf by alleged Baloch separatists:

“...at least 84,000 people, mostly from the Marri and Bugti tribes, were displaced in the districts of Dera Bugti and Kohlu alone. According to a humanitarian assessment in July and August 2006, the displaced people, including 26,000 women and 33,000 children, were living in makeshift camps without adequate shelter in Jafarabad, Naseerabad, Quetta, Sibi and Bolan districts... Displacement has occurred in Balochistan not only as a result of conflict but also due to floods in June and July 2007 that affected 2.5 million people and displaced 300,000.” [84a]

- 29.09 *Dawn* reported on 9 June 2009 that:

“A minister of the Balochistan government has criticised the centre [government] for not providing any relief and aid to internally displaced people of Balochistan who left their areas after military operation in Dera Bugti and Kohlu districts... Law Minister Robina Irfan said hundreds of thousands of people left their houses when the Musharraf government launched military operation[s] in the two districts. She regretted that on the one hand, billions of rupees were being spent on relief for the Swat IDPs and on the other, nothing was done for those who abandoned their homes after the military operation in Balochistan.” [42d]

See also Section 8: [Security situation](#)

- 29.10 The USSD Report 2008 also noted that “Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir entered the country. The law entitles Kashmiris to the same rights as full citizens.” [2k] (Section 2d)

See also [Latest news](#)

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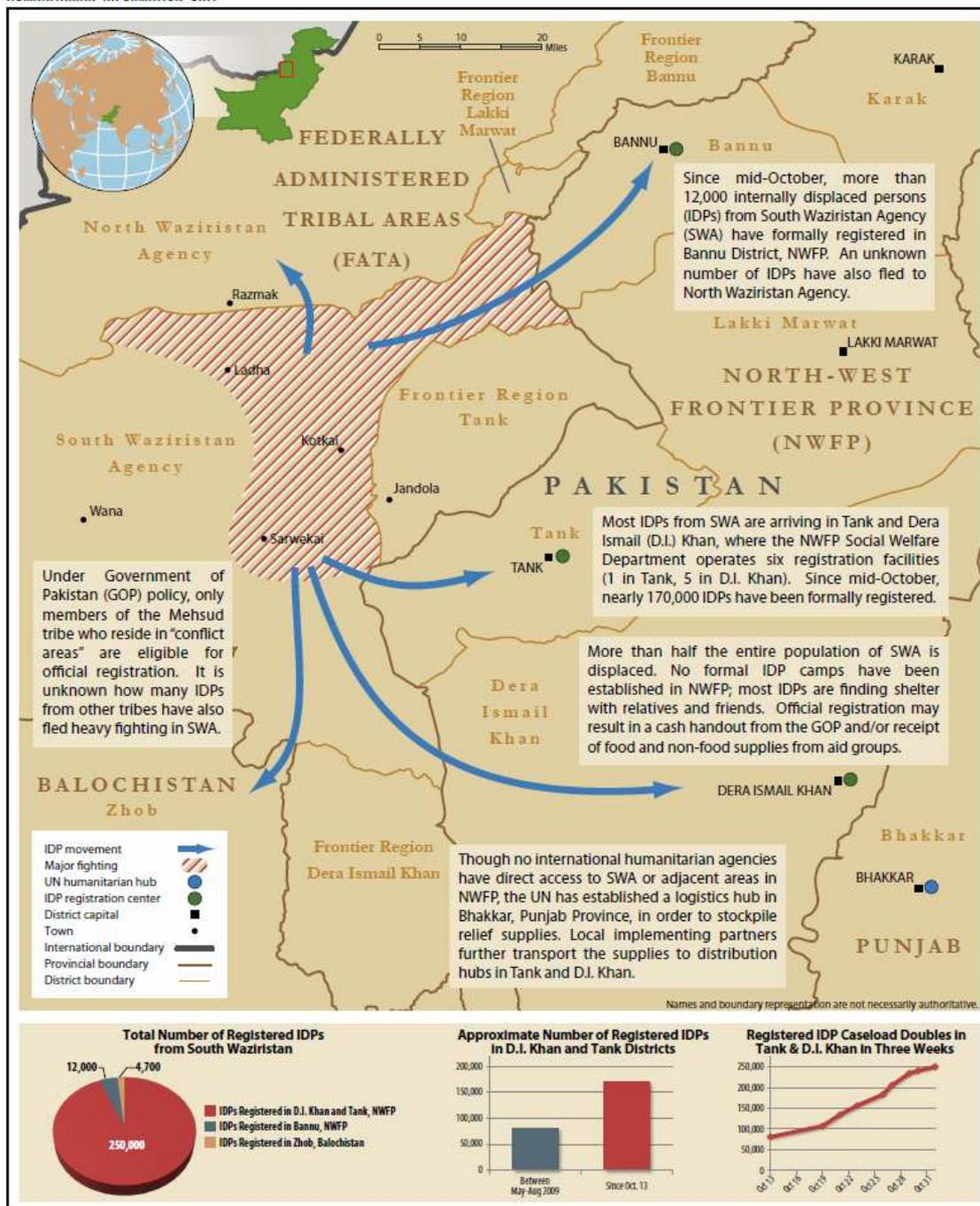
MAP OF FATA IDPS

29.11



UNCLASSIFIED

Pakistan: South Waziristan Displacement Climbing



UNCLASSIFIED

Sources: USG, UN OCHA, UNCHR, IRIN, Pakistani Media, International Crisis Group

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(US Department of State Humanitarian Information Unit, 2 November 2009) [20]

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30. FOREIGN REFUGEES

- 30.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) 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, but in practice, the government in most cases provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The country is a member of UNHCR’s governing Executive Committee and cooperated with UNHCR in protecting, assisting, and repatriating Afghan refugees.” [2k] (Section 2d)

- 30.02 The US Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2009 recorded that:

“The Foreigners Act of 1946 (amended 2000) pertains to unregistered Afghans and non-Afghan asylum seekers and prescribes up to three years’ imprisonment and a fine for any who enter without valid travel documents. Pakistan is party, however, to the 1966 International Covenant on Civil and Political rights which, with few exceptions, allows expulsion only by law and requires the Government to allow those it wishes to expel to give reasons against doing so and to have competent authorities review their cases and to have representatives in doing so. Pakistan is also signatory, without reservation, to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits refoulement of anyone where there is substantial risk that they will be tortured.” [95]

- 30.03 The USSD Report 2008 added:

“Although refugees did not have access to courts, the government provided access to basic health and education services, especially for Afghan refugees. UNHCR recognized 478 non-Afghan refugees in the country. Every refugee who registered with both the UNHCR and the government-run Commissionerate for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse, including trafficking.” [2k] (Section 2d)

AFGHAN REFUGEES

- 30.04 The USSD Report 2008 reported that:

“Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the government-run National Database and Registration Authority, approximately 2.15 million registered Afghan refugees remained in the country at year’s end, and 3.4 million had been repatriated since 2002. The government continued to work closely with the UNHCR to provide support to this population. During the year, approximately 272,000 refugees took advantage of UNHCR assistance to repatriate.

“According to UNHCR, there are more than 80 Afghan refugee camps in the country, including 71 in NWFP, 12 in Balochistan, and one in Punjab... In October the government ordered illegal Afghan refugees resident in Bajaur to return to Afghanistan and began deporting refugees who did not return voluntarily and arresting those who returned to Pakistan. Beginning in October, Pakistani security forces reported that hundreds of militants were crossing periodically from Afghanistan into the country to attack.

“Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees. 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.” [2k] (Section 2d)

30.05 The USCRI World Refugee Survey 2009 reported that:

“In August [2009], the Government extended the 2009 deadline allowing Afghans to remain in the country under the Tri-Partite Agreement between it and UNHCR and the Government of Afghanistan in light of insecurity there and low absorption capacity. UNHCR said it could take three to five years to finish repatriations... Afghans who registered with the National Database and Registration Authority between October 2006 and February 2007, including children over five, hold Proof of Registration (PoR) cards providing de facto temporary protection through [to] 2012 but no other legal rights. Those who arrived after 2007 are not eligible for PoRs and those who leave the territory loose them [sic].” [95]

30.06 The Human Rights Commission of Pakistan (HRCP) recorded in its State of Human Rights in 2008 report, published 1 April 2009, that the Jalojai refugee camp was closed in March 2008 at a time when an estimated 80,000 Afghans were living there. Whilst many were relocated within Pakistan, some 54,000 were repatriated to Afghanistan. [27e] (p196, Refugees: Jalojai)

30.07 The same source added that “Afghan nationals were regularly arrested under the Foreigners Act for illegally staying in Pakistan and for not having valid travel documents. Media reports suggested that over 1,500 had either been arrested or handed over to the Afghan authorities after serving their sentence for their unauthorised presence in Pakistan.” [27e] (p199, Refugees: Jalojai)

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31. CITIZENSHIP AND NATIONALITY

- 31.01 Information issued by the Pakistani government (accessed 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 4 January 2010, 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)
- 31.02 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

- 31.03 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 applicant's local NADRA or NADRA Provincial Headquarters. The FAQ further noted that "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]
- 31.04 A Child Registration Certificate (CRC) should be issued to every Pakistani child aged 18 years or under and includes "...the minor's name and registration number, date of birth, place of birth, gender, and parents' names and CNIC numbers. The Child is allotted [the] same registration number when he/she applies for CNIC upon attaining 18 years of age. It is the responsibility of every child's parents/guardians to get registered the children under 18 years of age [sic]." (Report to UN Committee on the Rights of the Child, 4 January 2008) [79b] (p37)

See also Section 19: Religion, subsections on [Voting rights](#) and [Passports and ID cards](#)

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32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

32.01 The Immigration and Refugee Board of Canada (IRB) 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.” [12b]

32.02 The same source noted that:

“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.” [12b]

32.03 Another IRB 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]

32.04 The same report noted that:

“The Information Centre on Asylum and Migration of the German Federal Office for the Recognition of Foreign Refugees indicated that ‘[i]n nearly all cases, the documents presented [by asylum seekers] for proof of persecution

(reports under the penal code, warrants for arrest, court judgments, lawyers' correspondence) were falsified or of incorrect content. In Pakistan, it is not...difficult to have a (simulated) criminal proceeding initiated against oneself, in order to get authentic documents (e.g. a 'First Information Report' or a decision to set the accused free until the date of the trial)... It is possible...either [to] pay for or to use private contacts to have a newspaper article published depicting a situation of persecution'." [12a]

See also Section 18: [Corruption](#)

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33. EXIT/ENTRY PROCEDURES

- 33.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) observed that the laws provide for the freedom of movement within the country, foreign travel, emigration and repatriation but the government limited these in practice and "...required foreigners to have special permits to enter certain restricted areas, including FATA, Balochistan, and parts of NWFP, due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir." [2k] (Section 2d)
- 33.02 The Immigration and Refugee Board of Canada (IRB) noted in a Reponse to Information Request (RIR) dated 19 November 2007 that:
- "A Karachi-based lawyer provided the following information regarding border security measures in 31 October 2007 correspondence to the Research Directorate. There are strict measures adopted by border authorities regarding Pakistanis exiting Pakistan via international flights. After proceeding through Customs, Pakistanis who are leaving Pakistan will appear before an immigration officer who will ask various questions. The immigration officer will verify in the computer system that there are no restrictions against the person in question and will then stamp the traveller's passport with an exit stamp if everything seems in order. The traveller will then proceed to either an army officer or another officer under the supervision of an army officer who will ask questions, check the passport and, if everything is in order, the traveller will proceed to the departure lounge. With regard to border authorities at land borders, the lawyer states that 'equally strict measures' are adopted, although they may vary from one border to another." [12I]
- 33.03 The Government of Pakistan's Federal Investigation Agency (FIA) provided information on their website (undated, accessed 10 March 2008) on the Personal Identification Secure Comparison and Evaluation System (PISCES). The FIA noted that:
- "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]
- 33.04 The 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 that:

“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...” [44a]

See also Section 28: [Freedom of Movement](#)

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PASSPORTS

- 33.05 Ordinary Machine Readable passports (MRP) 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, Directorate General Immigration and Passports, undated, accessed 28 October 2008) [29a] (**How to apply for MRP**)
- 33.06 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)**)
- 33.07 NADRA stated that:
- “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)**)
- 33.08 The same source noted that “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)

- 33.09 The IRB of Canada noted in its RIR dated 19 November 2008 that “According to the November 2007 edition of the Travel Information Manual (TIM), exit permits are not required of Pakistani citizens by immigration authorities when exiting Pakistan, but passports are...” [12i]
- 33.10 An email response from an official at the British High Commission in Islamabad, dated 29 January 2009, stated that, in theory, Pakistani passport holders would have their passports stamped at all ports and legal border crossings when entering and exiting the country. However, since corruption is a problem, it would be possible for an individual to avoid having their passport stamped by, for example, paying a bribe to the relevant official. The FCO official further stated that, as far as they were aware, and aside from the reasons stated above, there would be no exceptions when a passport would not be stamped. [11c]

See also Section 19: Freedom of Religion, subsection [Passport and ID Cards](#)

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EXIT CONTROL LIST

- 33.11 In a Response to Information Request (RIR), dated 19 November 2007, the Immigration and Refugee Board of Canada (IRB) noted that:
- “The Exit Control List (ECL) is a list of Pakistani citizens wanted in cases of crime or corruption or who are facing court charges and who are prohibited from leaving the country. However, various sources indicate that the ECL is sometimes used to ‘harass’ human rights activists or political dissidents. In addition, the Karachi-based lawyer stated the following:
- “The Government places the name of anyone who it does not wish to leave Pakistan [on the ECL]. There could be many reasons, both justifiable and unjustifiable, for placing the name of someone on this list. Most of the names [on the list] are of those whom the Government of the day do not like but ... some ... may be [subject to] serious investigation or criminal proceedings in progress or likely to be commenced. [The] majority of the names, however, are of the politicians in opposition to the Government of the day.” [12i]
- 33.12 In an RIR dated 25 November 2005, the IRB noted that “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]

- 33.13 Continuing the subject of exit control in Pakistan, the IRB further noted in its RIR dated 19 November 2007 that:

“A First Information Report (FIR) is the police report prepared when an offence is committed. The Karachi-based lawyer explained that Pakistani citizens who have an FIR registered against them can still leave Pakistan, and he added that the ‘lodging of [a] FIR by itself does not automatically stop a person from leaving Pakistan. Many FIRs are baseless, bogus and lodged to harass ... opponents but ultimately found frivolous and dismissed’.” [12j]

See also Section 12: [Arrest and detention – Legal rights](#)

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TREATMENT OF FAILED ASYLUM SEEKERS

- 33.14 On 2 December 2008, the Immigration and Refugee Board of Canada (IRB) 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]

- 33.15 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 IRB 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]

- 33.16 The same source noted that:

“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]

33.17 The IRB 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]

33.18 The same source also reported that:

“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]

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34. EMPLOYMENT RIGHTS

- 34.01 The US Department of State Country Report on Human Rights Practices 2008 (USSD Report 2008) recorded that:

“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. Additional benefits required under 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 workers' welfare fund.

“The ITUC [International Trade Union Federation] reported that the government made unilateral changes to the law in 2007, increasing hours of work, weakening worker protection, and creating a classification of ‘contract worker’ ineligible for overtime pay. Criminal law requires police authorization for gatherings of more than four individuals, including union activities.”
[2k] (Section 6a)

- 34.02 The Constitution of Pakistan states that “No child below the age of Fourteen years shall be engaged in any factory or mine or any other hazardous employment.” [29n] (Chapter 1, Article 11 (3))

- 34.03 The same report also noted that:

“Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC, labor inspectors have exempted certain employers from inspection in the provinces of Sindh and Punjab. Many workers remained unaware of their rights.”
[2k] (Section 6b)

- 34.04 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 that:

“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.” [67a] (p5: Denial of government jobs)

- 34.05 The USSD Report 2008 stated that:

“In March, the government raised the fixed minimum wage per month from 4,000 (\$51) to 6,000 rupees (\$76). 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 and fell short of the Pakistan Workers' Federation demand for a minimum wage of 12,000 rupees (\$152) per month. Significant parts of the workforce, such as those in the informal sector, domestics, and migrant workers, were not covered.” [2k] (Section 6e)

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

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BONDED LABOUR

34.06 The USSD Report 2008 stated that:

“The law prohibits slavery and all forms of forced labor, including bonded and child labor; in practice, however, the government did not enforce these prohibitions effectively and there were numerous instances in which these practices occurred. The law outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts.

“The Ministry of Labor, Manpower and Overseas Pakistanis at the federal level and labor officials in the provinces are responsible for enforcement of the Bonded Labour System (Abolition) Act of 1992 (BLSA), which banned bonded labor. The HRCP noted that the implementation of the act required review. The National Commission on Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers worked in conjunction with the International Labour Organization (ILO) to implement the National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers.

“NGOs SPARC and SHARP reported that approximately two 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.” [2k] (Section 6c)

34.07 The USSD IRF Report 2009 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 the brickmaking and agricultural sectors. Christians and Hindus were disproportionately victims of this illegal practice.” [2n] (Section II: Abuses of Religious Freedom)

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

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Annex A: Chronology of major events

(As reported in the BBC's '[Timeline – Pakistan A chronology of key events](#)', updated 5 October 2009 [35b] unless otherwise stated)

- 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.
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.

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.
- 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.
- 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.
- 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.
- 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.
- 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.

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

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.

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

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

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

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.

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.

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

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

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.

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.

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

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

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.
- April – Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.
- May – Pakistan readmitted to Commonwealth.
- Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.
- 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.
- August – Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.
- 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.
- 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.
- August – Pakistan tests its first, nuclear-capable cruise missile.
- 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.
- 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.
- April – A suspected double suicide bombing kills at least 57 people at a Sunni Muslim ceremony in Karachi.
- August – Security forces kill prominent Balochistan tribal leader, Nawab Akbar Bugti. Protests over his death turn violent.
- 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.

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-Taleban 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.

August – The two main governing parties agree to launch impeachment proceedings against President Musharraf.

Mr Musharraf resigns. Senate Speaker Muhammad Sumroo becomes acting president.

PPP leader Asif Ali Zardari - Benazir Bhutto's widower - says he will be the party's candidate in the presidential election set for 6 September.

Former PM Nawaz Sharif pulls his PML-N out of the coalition government, accusing the PPP of breaking its promise to approve the reinstatement of all judges sacked by former President Pervez Musharraf.

September – Asif Ali Zardari elected by legislators as Pakistan's new president.

Marriott Hotel in Islamabad devastated in a suicide truck bombing which leaves at least 50 dead. An Islamist militant group claims responsibility.

October – Earthquake in south-western province of Balochistan leaves hundreds dead.

November – President Zardari warns the US military that missile strikes on Pakistani territory are 'counter-productive'.
The government borrows billions of dollars from the International Monetary Fund to overcome its spiralling debt crisis.

December – India says militants who carried out the Mumbai terrorist attacks in November had Pakistani links, and it urges Pakistani action. Islamabad denies any involvement in the attacks, but promises to co-operate with the Indian investigation.

2009 February – Government agrees to implement Sharia law in north-western Swat valley in effort to persuade Islamist militants there to agree to permanent ceasefire.

March – Gunmen in Lahore attack a bus carrying the Sri Lankan cricket team. Five policemen are killed and seven players injured.

After days of public protests, the government gives in to opposition demands and announces the reinstatement of sacked former chief justice, Iftikhar Chaudhry, and other judges dismissed by former President Pervez Musharraf. The main opposition leader, Nawaz Sharif, calls off a mass protest march.

At least 40 people are killed when gunmen storm a police academy in Lahore.

April – Swat agreement breaks down after Taleban-linked militants seek to extend their power-base. Government attempts to re-impose its writ over north-western districts controlled by militants.

July – The Pakistani and Indian prime ministers pledge to work together to fight terrorism at a meeting in Egypt irrespective of progress on improving broader relations.

The Supreme Court acquits opposition leader Nawaz Sharif of hijacking charges, removing the final ban on his running for public office.

August – Pakistan issues a global alert for 13 suspects over November's attacks in the Indian city of Mumbai. Interpol said the alert asks member countries for help in locating the fugitives and to report any leads to Pakistan.

President Zardari orders the suspension of judges appointed under emergency rule in 2007, after the Supreme Court ruled the emergency declared by former President Musharraf to have been unconstitutional.

The leader of Pakistan's Taliban, Baitullah Mehsud, reported dead in US drone attack.

Ali Sher Hyderi, head of Pakistan's largest extremist organization Sipah-e-Sahaba, killed by militants.

October – New Taliban leader Hakimullah Mehsud meets journalists from his clan in South Waziristan to counter reports of his death. He pledges revenge for the drone attack that killed Baitullah Mehsud.

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Annex B: Political organisations

ALL JAMMU AND KASHMIR MUSLIM CONFERENCE

Founded 1948; advocates the holding of a free plebiscite in the whole of Kashmir. Leader: Sardar Attiq Ahmed Khan. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: All Jammu and Kashmir Muslim Conference**)

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, accessed 5 June 2009) [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 (NWFP) 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]

AWAMI QIYADAT PARTY (PEOPLE'S LEADERSHIP PARTY)

Based in Rawalpindi. Founded 1995. Chair: General (retired) Mirza Aslam Beg. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Awami Qiyadat Party**)

BALUCHISTAN NATIONAL PARTY (BNP) – AWAMI

Based in Quetta, led by Moheem Khan Baloch. (Europa World Online, accessed 5 June 2009) [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, accessed 5 June 2009) [1] (**Political Organisations: Balochistan National Party (BNP) – Maingal**)

JAMAAT-E-ISLAMI PAKISTAN (JIP)

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, accessed 5 June 2009) [1] (**Political Organisations: Jamaat-e-Islami Pakistan**)

JAMHURI WATAN PARTY (BUGTI) BALUCHISTAN

President: Nawab Talal Akbar Khan Bugti. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Jamhuri Watan Party**)

JAMIAT-E-ULEMA- E-ISLAM (JUI)

Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: 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. (BBC News) [35h]

JAMIAT-E-ULEMA-E-PAKISTAN (JUP)

Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. Leader: Maulana Shah Mohammed Noorani. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Jamiat-e-Ulema-e-Pakistan**)

MILLAT PARTY

Advocates “true federalism”. Chair: Farooq Ahmed Khan Laghari (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Millat Party**)

MUTTAHIDA MAJLIS-E-AMAL (MMA)

An Islamic alliance between religious political parties in Pakistan including Jamiat Ulema-e-Islam (JUI) Maulana Fazlur Rehman faction, Jamiat Ulema-e-Islam (JUI) Maulana Samiul Haq faction, Jamiat Ulema-e-Pakistan (JUP), Jamaat-e-Islami and Tehrik-e-Islami. (Elections.com, undated) [39c]

MUTTAHIDA QAUMI MOVEMENT (MQM)

Founded in 1984 as Mohajir Qaumi Movement; changed name to Muttahida Qaumi Movement in 1997; associated with the All Pakistan Muttahida Students' Organization (f. 1978 as the All Pakistan Mohajir Students' Organization; name changed July 2006); 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. Founder and Leader: Altaf Hussain. President: Aftab Sheikh. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Muttahida Qaumi Movement**)

See also Section 20: Ethnic groups, subsection [Formation of MQM](#)

NATIONAL PARTY

Based in Quetta. Founded in 2003 following the merger of the Balochistan National Movement and the Balochistan National Democratic Party. Chair: Dr Abdul Hayai Baloch. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: National Party**)

NATIONAL PEOPLE'S PARTY (NPP)

Based in Karachi. Founded in 1986, centre left-wing party advocating a just, democratic welfare state for Pakistan; breakaway faction from PPP. Chair: Ghulam Mustafa Jatoi. Parliamentary leader: Dr Ibrahim Khan. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: National People's Party**)

PAKHTOONKHWAMILLI AWAMI PARTY

Leader: Mehmood Khan Achakzai. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Pakhtoonkhwa Milli Awami Party**)

PAKISTAN AWAMI TEHREEK (PAT)

Based in Lahore. President: Sahibzada Miskeen Faiz ur Rehman Khan Durani. Secretary General: Dr Anwaar Akhtar. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Pakistan Awami Tehreek**)

PAKISTAN DEMOCRATIC PARTY (PDP)

Founded 1969; advocates democratic and Islamic values. President: Nawabzada Mansoor Ahmed Khan. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Pakistan Democratic Party**)

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, accessed 5 June 2009) [1] (**Political Organisations: Pakistan Muslim League**)

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)

Founded 1993 as a faction of the Pakistan Muslim League (Junejo). (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Pakistan Muslim League – Nawaz**) Jane's, updated 23 July 2009, that "The Nawaz-led Muslim League has twice been in power, from 1990 to 1993 and then again from 1997 to 1999, when its government was overthrown by then army chief Pervez Musharraf." In the 2008 elections, the PML-N "...emerged as the second largest group in the National Assembly and the majority party in the Punjab Assembly. It formed the government in Punjab, and was initially part of a coalition federal government, but left the coalition at the centre in August 2008 due to differences with the PPP over the reinstatement of judges dismissed during the November 2007 proclamation of emergency." [36g] (**Internal Affairs**)

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. (CNN, 18 February 2008) [33] Jane's, updated 23 July 2009, noted that "The PPP is a mainstream party and one of the few political parties in Pakistan to have remained intact (splinter groups notwithstanding), and which has a following in all four provinces." [36g] (**Internal Affairs**)

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, accessed 5 June 2009) [1] (**Political Organisations: Pakistan People's Party (Shaheed Bhutto Group)**)

PUNJABI PAKHTOON ITTEHAD (PPI)

Founded in 1987 to represent the interests of Punjabis and Pakhtoons in Karachi. President: Malik Mir Hazar Khan. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Punjabi Pakhtoon Ittehad**)

SINDH NATIONAL FRONT (SNF)

President: Mumtaz Bhutto. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Sindh National Front**)

SINDH TARAQI PASSAND PARTY (STPP)

Leader: Dr Qadir Magsi. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Sindh Taraqi Passand Party**)

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)

Founded 1996, led by Imran Khan. (Europa World Online, accessed 5 June 2009) [1] (**Political Organisations: Tehrik-e-Insaf**)

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Annex C: Terrorist and extremist groups

(As reported in the South Asian Terrorism Portal, Pakistan Terrorist and Extremist Groups, undated [61e], and Jane's Sentinel Country Risk Assessments, Non-state armed groups, last updated 7 October 2007 [36e] unless otherwise stated. This list is not exhaustive.)

BALUCHISTAN LIBERATION ARMY (BLA)

The Office for Security and Counter Terrorism described the BLA as being "...comprised of tribal groups based in the Baluchistan area of Eastern Pakistan, which aims to establish an independent nation encompassing the Baluch dominated areas of Pakistan, Afghanistan and Iran." [66] On the 9 April 2006 the Government banned the Balochistan Liberation Army (BLA) after declaring it as a terrorist organisation for its alleged involvement in terrorist activities. [61c] (Pakistan Timeline 2006)

HARKAT-UL-MUJAHIDEEN (HuM) (Formerly Harkat-ul-Ansar (HuA))

Formed in 1985 and previously known as the Harkat-ul-Ansar (HuA). Officially banned by the US in 2001 due to its links with al-Qaeda. [61e] Less active than other jihadi organisations and the level of threat from HuM itself is low. However former members have joined other more dangerous groups, or operate in different guises. [36e]

HARKAT-UL-MUJAHIDEEN AL-ALAMI (HuMA)

Formed in 2002 and based in Karachi, HuMA is a subsidiary of the HuM. Leaders Muhammad Imran and Muhammad Hanif were arrested for their alleged involvement in a plot to assassinate President Musharraf in 2002 and sentenced to death by an Anti-Terrorism Court in 2003.

HIZBUL MUJAHIDEEN (HM)

One of the largest terrorist groups operating in Jammu & Kashmir and proscribed under Pakistan's Prevention of Terrorism Act 2002. [61e] "HM is the militant wing of the Jamaat-e-Islami political party of Pakistan. HM presents a threat within Indian-administered Kashmir (IAK) through random bombing and other attacks, but its organisation and infrastructure are being eroded at an ever-faster pace by Indian security forces." [36e]

JAISH-E-MOHAMMAD (JeM) (Army of the Prophet)

Formed in 2000. Based in Pakistan and active in Jammu & Kashmir. Designated a Foreign Terrorist Organisation with links to the al-Qaeda network. [61e] Aliases include Khuddam-ul-Islam, Khudamul Islam and Kuddam e Islami. "The group is well trained, motivated and supported, and poses a major terrorist threat to India and Pakistan and to Western targets in both these countries." [36e]

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Set up in the United Kingdom in 1977 by co-founder of the Jammu and Kashmir National Liberation Front (JKNLf). Now run as two separate outfits, both called JKLF, one headed by Amanullah Khan and the other by Yasin Malik.

LASHKAR-E-JHANGVI (LeJ)

A Sunni extremist breakaway group of the Sipah-e-Sahaba Pakistan (SSP), formed in 1996.

LASHKAR-E-OMAR (LEO)

Reportedly founded in January 2002 and a conglomerate of Harkat-ul-Jihad-i-Islami (HuJI), Lashkar-e-Jhangvi (LeJ) and Jaish-e-Mohammed (JeM) cadres.

LASHKAR-E-TAIBA (LET) (Army of the Pure)

Formed in 1990. Also known as Jama'at-ud-Da'awa. Banned in Pakistan, India, United Kingdom and the United States. [61e] "The LeT is one of the most active and best known Kashmiri groups owing to its involvement in the 13 December 2001 suicide attack on India's parliament and represents one of the most significant threats to security forces and civilians in Indian-administered Kashmir (IAK) and beyond." [36e] The LET were also accused of the attack in Mumbai in November 2008, which killed 188 people. (BBC News, 4 December 2008) [35i]

MUTTAHIDA JEHAD COUNCIL (MJC) (Also known as United Jihad Council)

A conglomerate of Pakistan-based Jehadi groups formed in 1990.

SIPAH-E-SAHABA PAKISTAN (SSP)

Sunni group. Proscribed in 2002 by President Musharraf. Reportedly changed its name to Millat-e-Islamia Pakistan following proscription. [61e] The SSP are no longer a significant organised force although individuals and small groups still pose a major threat to Shias and Christians. [36e]

**TEHREEK (TEHRIK)-E-NAFAZ-E-SHARIAT-E-MOHAMMADI (TNSM)
(Movement for the Enforcement of Islamic Laws)**

Founded in 1992 and proscribed in 2002. Main objective is to impose Sharia law in Pakistan. Led by Maulana Sufi Mohammed. [61e] The TNSM signed a peace agreement with the NWFP government, the Awami National Party, in February 2009, who agreed to impose Sharia (Islamic law) in NWFP's Malakand region. President Asif Zardari signed the 'Nizam-e-Adl' (system of justice) ordinance into law on 13 April 2009. (Human Rights Watch) [13f] Sufi Mohammed's son-in-law, Maulana Fazlullah, who led the TNSM during a period of imprisonment for Mohammed, later formed a breakaway faction, which is part of Baitullah Mehsud's Tehrik-e-Taliban (TTP). (Jane's, 8 September 2009) [36d]

TEHREEK (TEHRIK)-UL-MUJAHIDEEN

Formed in 1990 with aims to merge Indian Jammu & Kashmir with Pakistan.

TEHRIK-E-TALIBAN PAKISTAN (TTP)

Formed in December 2007 as an umbrella group to enable the numerous pro-Taliban groups operating in the Federally Administered Tribal Areas (FATA) and North West Frontier Province (NWFP) to coordinate and consolidate their activities. Following the death of Baitullah Mehsud, killed on 5 August 2009 by a missile from a US-operated unmanned aircraft, the TTP is now under the command of Hakimullah Mehsud in South Waziristan agency of FATA. (Jane's, 17 November 2009) [36f] The TTP was specifically active in Kurram, Swat, Bajaur, North Waziristan, and South Waziristan. In August 2008, the Government of Pakistan officially banned the TTP and froze its bank accounts, allowing the security forces to arrest anyone associated with the group. (USSD Country Reports on Terrorism 2008) [2m] (Pakistan)

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Annex D: Prominent people

A List of Federal Ministers can be accessed via the Pakistan Government website at <http://www.pak.gov.pk/ministers.aspx> [29e]

BHUTTO, Benazir

Prime Minister of Pakistan from 1988 to 1990, and from 1993 to 1996. Killed in a bomb attack on 27 December 2007 as she was leaving an election rally in Rawalpindi. (BBC News, 27 December 2007) [35o]

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 was to continue his education in England (Mr Bhutto was at that time 19 years old), while his father and co-chairman of the PPP, Asif Ali Zardari, effectively ran the party. (Daily News, 31 December 2007) [55e]

GILLANI, Yousaf Raza

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. (*Daily Times*, 23 March 2008) [55k] Vice-chairman of the PPP, he was 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

Leader of the political party Muttahida Qaumi Movement formerly known as the Muhajir Qaumi Movement (MQM). Altaf Hussain is currently in exile in London, having been granted political asylum in the United Kingdom. (Elections.com, accessed 10 April 2008) [39d]

MUSHARRAF, Pervez

As head of the army, the then General Musharraf seized power from Prime Minister, Nawaz Sharif, in a bloodless coup in 1999. (BBC News, 18 August 2008) [35a] Facing impeachment by the coalition government on charges of violating the constitution and gross misconduct, following the suspension of the chief justice and the state of emergency in 2007, President Musharraf resigned on 18 August 2008. (BBC News, 18 August 2008) [35a]

SHARIF, Mohammad Nawaz

Prime Minister of Pakistan from November 1, 1990 to July 18, 1993, and from February 17, 1997 to October 12, 1999. His government was overthrown by the General Pervez Musharraf-led military coup in 1999. (Elections.com) [39b] Mr Sharif returned from exile in November 2007. (BBC Timeline: Pakistan, 5 October 2009) [35b]

ZARDARI, Asif Ali

Zardari led the Pakistani People's Party to election success following the death of his wife, Benazir Bhutto, in December 2007. Elected President of Pakistan on 6 September 2008. (BBC News, 6 September 2008) [35g]

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Annex E: 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
FATA	Federally Administered Tribal Areas
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	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
NWFP	North West Frontier Province
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
UNCRC	United Nations Convention on the Rights of the Child
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
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

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