Home Office
UK Border Agency

PAKISTAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

17 January 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom 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 10 December 2010. The 'Latest News' section contains further brief information on events and reports accessed from 11 December to 14 January 2011. The report was issued on 17 January 2011.

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 compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. 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 compilation of extracts 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 though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. 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. 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 UKBA as below.

Country of Origin Information Service
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United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

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 COI material. The IAGCI welcomes feedback on UKBA's COI Reports 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 11 DECEMBER 2010 TO 14 JANUARY 2011

The Latest News provides a non-exhaustive selection of significant events since 11 December 2010. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

14 January Militants killed a female police officer and five family members in Pakistan's Khyber Pakhtunkhwa province. Shamshad Begum had apparently been threatened to quit her job, or face the consequences.

Radio Free Europe/Radio Liberty
Suspected Militants Kill Female Police Officer, Five Others In Northwest Pakistan, 14 January 2011
http://www.rferl.org/content/pakistan_female_police_officer/2276045.html
Date accessed 14 January 2011

14 January Recent ethnic violence in Karachi has seen the deaths of at least 12 people, mostly in drive-by shootings, police reported. The killings have been attributed to fighting between the Awami National Party (ANP) and the Muttahida Qaumi Movement (MQM). At least 711 people have died in "targeted killings" in Karachi between January and November 2010, according to the Human Rights Committee of Pakistan (HRCP).

BBC News
Ethnic violence kills twelve, 14 January 2011
http://www.bbc.co.uk/news/world-south-asia-12189055
Date accessed 14 January 2011

12 January A Muslim father and son have been sentenced to life imprisonment for blasphemy. The sentence was passed by an anti-terrorism court in Punjab province after the pair were found guilty of tearing down a poster marking the birthday of the Prophet Muhammad. They denied the charge.

BBC News
Life in jail for two Pakistani Muslim blasphemers, 12 January 2011
http://www.bbc.co.uk/news/world-south-asia-12169123
Date accessed 14 January 2011

10 January Up to 50,000 people staged a demonstration in Karachi against the proposed "softening" of the country's blasphemy laws.

BBC News
Massive Karachi rally in support of blasphemy law, 10 January 2011
http://www.bbc.co.uk/news/world-south-asia-12149011
Date accessed 14 January 2011

8 January The Muttahida Qaumi Movement (MQM), the Pakistan government's second-largest coalition partner, who pulled out of the coalition at the beginning of the year in a dispute over a rise in fuel prices, has rejoined the government, restoring its parliamentary majority.

The Washington Post
Key ally rejoins Pakistan coalition, 8 January 2011
http://www.washingtonpost.com/wp-dyn/content/article/2011/01/07/AR2011010706405.html
Date accessed 14 January 2011

4 January Punjab governor, Salman Taseer, was assassinated by one of his own bodyguards, Malik Mumtaz Hussein Qadri. Mr Taseer had angered Islamists after calling for a pardon for Pakistani Christian woman, Asia Bibi, who was recently sentenced to death for insulting the Prophet Muhammad. As thousands of mourners attended Mr Taseer's funeral, some of Pakistan's religious leaders praised his killer, saying that anyone expressing sympathy over the death of a blasphemer was also committing blasphemy.

BBC News
Salman Taseer: Thousands mourn Pakistan governor, 5 January 2011
http://www.bbc.co.uk/news/world-south-asia-12116764
Date accessed 14 January 2011
Mumtaz Qadri admits killing Governor Salman Taseer, 10 January 2011
http://www.bbc.co.uk/news/world-south-asia-12149607
Date accessed 14 January 2011

31 December Sunni Muslim clerics organised a 24-hour strike across Pakistan in protest against a private member's bill seeking to amend the country's blasphemy laws. However, the minister for religious affairs denied any intention of repealing the law, which recently saw a Christian women sentenced to death after being accused of insulting Islam.

BBC News
Pakistan on strike against bill to amend blasphemy law, 31 December 2010
http://www.bbc.co.uk/news/world-south-asia-12097687
Date accessed 14 January 2011

26 December A suicide bomber killed 45 people at a World Food Programme distribution centre in Bajur district of the Federally Administered Tribal Areas (FATA). The Pakistani Taliban claimed responsibility for the attack, which forced the temporary closure of four other food centres in the area.

The Guardian
Suicide bomber kills 45 outside Pakistan food relief centre, 26 December 2010
http://www.guardian.co.uk/world/2010/dec/26/suicide-bomber-kills-45-pakistan
Date accessed 14 January 2011

16 December Two British nationals, both reportedly al-Qaeda members, were killed in a suspected US-drone attack in north-west Pakistan.

BBC News
Drone attack 'kills two Britons' in Pakistan, 16 December 2010

10 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

http://www.bbc.co.uk/news/uk-12009685
Date accessed 22 December 2010

15 December Pakistan was reported as the world's deadliest country for the press in 2010, with at least eight journalists killed there in connection with their work.

Committee to Protect Journalists
As bombings spread, Pakistan deadliest nation, 15 December 2010
http://cpj.org/reports/2010/12/journalists-killed-pakistan-deadliest-nation-press.php
Date accessed 22 December 2010

13 December Pakistan's tribal areas were described by the South Asia Terrorism Portal as the "most dangerous place on earth", recording the deaths of 5,023 persons, including of 4,296 militants, 490 civilians and 237 SF personnel, who were killed in 672 incidents of carnage in 2010 (all data till December 12).

South Asia Terrorism Portal
South Asia Intelligence Review, Weekly Assessment and Briefings, Volume 9, No. 23
Pakistan: FATA – Unrelenting terror, 13 December 2010
http://www.satp.org/satporgtp/sair/index.htm
Date accessed 22 December 2010

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex F – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
South Asia Terrorism Portal (SATP) http://www.satp.org/

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 11 DECEMBER 2010 AND 14 JANUARY 2011

The Home Office is not responsible for the content of external websites.

Human Rights Commission of Pakistan http://www.hrcp-web.org/
Police Organisations in Pakistan, May 2010
http://www.hrcp-web.org/pdf/Police_Organisations_in_Pakistan%5B1%5D.pdf
Date accessed 15 December 2010

Human Rights Watch http://www.hrw.org/
"Their Future is at Stake"
Attacks on Teachers and Schools in Pakistan's Balochistan Province, 13 December 2010
http://www.hrw.org/node/94653
Date accessed 22 December 2010

International Crisis Group http://www.crisisgroup.org/
Reforming Pakistan's Criminal Justice System, 6 December 2010
http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/196%20Reforming%20Pakistans%20Criminal%20Justice%20System.ashx
Date accessed 15 December 2010

United Nations Children's Fund (UNICEF) http://www.unicef.org/
Progress report July – November 2010: Children in Pakistan, Every Child's Right – Responding to the Floods in Pakistan
http://www.unicef.org/pakistan/Pakistan_120_days_Report_1_9_Lo-res.pdf
Date accessed 13 January 2011

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12 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

Background Information

1. GEOGRAPHY

1.01 The Foreign and Commonwealth Office (FCO) *Country Profile* for Pakistan, updated 20 September 2010, noted that the country is "... about three-and-a-half times the size of the UK. It shares borders with 4 countries: India to the east, China to the north east, Iran to the south west and Afghanistan along the western and northern boundaries." (Geography) Pakistan covers a land area of 803,940 sq. km. (499,545 sq. mi.) **[11b] (Pakistan today)**

1.02 Pakistan (official name – Islamic Republic of Pakistan) is divided into four provinces – Punjab, Sindh, Balochistan and Khyber-Pakhtunkhwa (formerly known as North West Frontier Province or NWFP) – (USSD Background Note, 9 June 2010) **[3a] (Government)** and two territories – the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA World Factbook, Pakistan, 7 December 2010) **[4a] (Government)** The FATA is composed of seven tribal agencies: Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan, and South Waziristan. (USSD Background Note, 9 June 2010) **[3a] (Government)** The CIA World Factbook added that "... the Pakistani-administered portion of the disputed Jammu and Kashmir region consists of two administrative entities: Azad Kashmir and Gilgit-Baltistan [formerly known as the Federally Administered Northern Areas (FANA)]." **[4a] (Government)**

1.03 Pakistan's population was estimated to be 177,276,594 (male: 91,624,094; female: 85,652,500) as of July 2010. (CIA World Factbook, Pakistan, 7 December 2010) **[4a] (Government)** Pakistan's principal cities (estimated population in brackets) are the capital, Islamabad (800,000) and Rawalpindi (1,406,214), which comprises the national capital area with a combined 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, 9 June 2010) **[3a] (Geography)**

1.04 As noted in the CIA World Factbook, 7 December 2010, the main ethnic groups of Pakistan comprised of "Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs [Mohajirs] 7.57%, Balochi 3.57%, other 6.28%." **[4a] (People)** According to the 1998 census, 95 per cent of Pakistan's population was Muslim, the majority being Sunni with Shi'a minority of approximately 25 per cent. Hindu's, Christians and other religions, including Ahmadi's, comprise of a further five per cent. (USSD *International Religious Freedom Report 2010*, 17 November 2010) **[3l] (Section I)**

1.05 The CIA World Factbook, dated 7 December 2010, stated that the main languages of Pakistan were "Punjabi 48%, Sindhi 12%, Siraiki (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 8%." **[4a] (People)** Ethnologue's Languages of the World, Sixteenth edition, published in 2009, stated "The number of individual languages listed for Pakistan is 72. Of those, all are living languages." **[15] (Languages of Pakistan)**

1.06 Regarding languages in Pakistan, Jane's Sentinel Country Risk Assessment noted in its section on Demography, updated 16 October 2009, that:

"Of Pakistan's 20 spoken languages, Punjabi, Sindhi, Urdu, Pashto and Balochi are Indo-Aryan in origin. These vernaculars extend across the northern Indian subcontinent,

manifesting themselves in a number of local dialects. Pakistan's official language, Urdu, is spoken as a native tongue by just eight per cent of the population, the majority of whom are Mohajirs. The language has provided common ground for educated Muslims, and was promoted as a medium for education by then military ruler, Mohammad Zia ul-Haq (1978-1988) over English as an expedient means of promoting nationalism." **[1a]**
(Demography: Language)

MAP

1.07 Map of Pakistan, dated January 2004, extracted from United Nations Cartographic Section.

[82a]

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TELECOMMUNICATIONS

1.08 The International Organization for Migration (IOM) noted in its *Returning to Pakistan Country Information* fact sheet, updated 4 January 2010, that:

"The telecommunications industry is growing in Pakistan. Pakistan Telecommunication Company Limited (PTCL) is Pakistan's most reliable and largest converged service carrier, providing consumers and businesses all over the country with all telecommunication services, from basic voice telephony to data, Internet, video-conferencing and carrier services. Mobile phone companies have not only increased in number but they have also expanded their operations to the remotest parts of the country, offering an excellent service to their clients." **[85a] (p24)**

1.09 The same source listed the mobile phone companies operating in Pakistan, which included Mobilink, Ufone, Warid Telecom, Telenor Pakistan and Zong. **[9a] (p25)**

1.10 With regards to the internet, the IOM fact sheet stated "The Internet is available in all the major cities of the country, as well as in many remote areas. The majority of people use dial-up connections." **[9a] (p24)**

PUBLIC HOLIDAYS

1.11 Europa World online, accessed 22 November 2010, listed Pakistan's public holidays. Fixed holiday dates include 23 March (Pakistan Day); 1 May (Labour Day); 14 August (Independence Day); 6 Sepember (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). **[6] (Public holidays)**

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2. ECONOMY

2.01 The US Department of State (USSD) Background Note: Pakistan, dated 9 June 2010, reported that:

"The World Bank considers Pakistan a low-income country. GDP [Gross Domestic Product] is around $166 billion at the official exchange rate... In FY [Financial Year] 2008-2009, the GDP growth rate was 3.7%, and unemployment was estimated at 14%. Year-over-year consumer price inflation averaged 13.6% in 2009. Main inflation drivers include food and utility prices, the Pakistani rupee's depreciation versus the U.S. dollar, and higher international commodity prices. 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. The country's economy remains vulnerable to internal and external shocks due to internal security concerns and the global financial crises." **[3a] (Economy)**

2.02 Pakistan's Gross Domestic Product (GDP) growth for the fiscal year (July to June) 2009/10 was recorded at 4.1 per cent. (Economist Intelligence Unit (EIU) *Pakistan*

Country Report, June 2010) **[2a] (Economic performance: The rate of economic growth accelerates)** In its South Asia Economic Update 2010, dated 7 June 2010, the World Bank recorded the Gross National Income (GNI) per capita as US$950. **[95a] (p73)**

2.03 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that "The average GDP growth of 5.2 per cent during the last decade did not translate into a more equitable distribution of wealth in the society. Recent estimates showed that nearly a quarter of the country's population remained poor, with 62 million people living below the poverty line in the year 2009 as estimated by the official Task Force on Food Security." **[27c] (p222)**

2.04 The USSD Background Note stated "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." **[3a] (Agriculture and natural resources)**

2.05 The HRCP Report 2009 noted with regards to employment that:

"...the Pakistan Economic Survey 2008-09... estimated the labour force at 51.78 million – 40.82 million male and 10.96 million female workers. As per official estimates, while the female participation in the labour force increased in 2009, the female participation rate was lower than the male participation rate as compared to the previous year. Out of the total labour force, 49.09 million were employed while 2.69 million remained jobless. Thus, the unemployment rate stood at 5.20 per cent in 2007-08. This no longer appeared to be the case during 2009." **[27c] (p222-223)**

2.06 The same source added "The federal and provincial governments fixed the minimum wage at Rs [Rupees]. 4,000 per month in July 2006, Rs.4,600 in July 2007 and Rs. 6,000 in July 2008. However, over 70 per cent of mill owners did not implement the government notifications and were paying only Rs. 3,000-5,000 per month to many workers in blatant violation of law." **[27c] (p225)**

2.07 As at 10 December 2010, 1 US Dollar = 86.35858 Pakistan Rupee and 1 British Pound = 136.361 Pakistan Rupee. (Oanda, accessed 10 December 2010) **[96a]**

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3. HISTORY

3.01 The Freedom House report *Freedom in the World – 2010 (Pakistan)*, published 1 June 2010, stated that:

"Pakistan was created as a Muslim homeland during the partition of British India in 1947, and the military has directly or indirectly ruled the country for much of its independent history. As part of his effort 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 civilian presidents cited corruption and abuse of power in sacking elected governments headed by prime

ministers Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

"Sharif, who returned to power in the 1997 elections, was deposed in a military coup after he attempted to fire the army chief, General Pervez Musharraf, in 1999. Musharraf appointed himself 'chief executive' (and later president), declared a state of emergency, and suspended democratic institutions..." **[5a]**

3.02 The Foreign and Commonwealth Office (FCO) reported in its Pakistan *Country Profile*, updated 20 September 2010, 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) [Pakistan Muslim League - Quaid-e-Azam] won the most seats (121), followed by the MMA [Muttahida Majlis-e-Amal] (60) and the PPP (59). The total number of seats in the National Assembly is 342 (including 60 reserved seats for women and 10 for minorities)." **[11b]**

See also sections on Women and Ethnic groups

3.03 The Legal Framework Order (LFO), promulgated by President Musharraf in August 2002, 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. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority." (FCO Pakistan Country Profile, 20 September 2010) **[11b]**

3.04 The *Freedom in the World - 2010* report noted that:

"Tensions between Musharraf and the increasingly activist judiciary came to a head in March 2007, when Musharraf suspended Iftikhar Chaudhry, the chief justice of the Supreme Court. The ensuing lawyers' protests sparked wider political unrest, and in July the Supreme Court ruled against Musharraf and reinstated Chaudhry. When the court attempted to rule on the validity of the October presidential election, which had confirmed Musharraf in office, he again took preemptive action and imposed martial law on November 3, suspending the constitution and replacing much of the higher judiciary. More than 6,000 civil society activists, political leaders, and lawyers and judges were arrested, although the vast majority were released after short detentions. The state of emergency was lifted in mid-December and an amended version of the constitution was restored, but some restrictions on the press and freedom of assembly remained in place, as did the emasculated judiciary. Following the December 27 assassination of former prime minister Bhutto, parliamentary elections planned for early January 2008 were postponed until February, and Bhutto's widower, Asif Ali Zardari, assumed de facto leadership of the PPP.

"The PPP led the February voting with 97 out of 272 directly elected seats in the National Assembly, followed by Nawaz Sharif's PML-N with 71. The ruling PML-Q was

routed, taking only 42 seats, and the Muttahida Majlis-i-Amal (MMA), an alliance of Islamic parties, was also severely weakened." **[5a]**

See also section on Judiciary

3.05 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)." **[7f]** 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) **[29n]** 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." **[7f]**

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4. RECENT DEVELOPMENTS: JANUARY TO DECEMBER 2010

4.01 On 9 March 2010 President Zardari signed into law the Protection Against Women in the Workplace Bill 2010. The Bill, which was passed by the National Assembly in January and the Senate in February, defines harassment as "... any unwelcome sexual advance, request for sexual favours or other verbal and written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with the work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made condition for employment." (*Dawn*, 10 March 2010) **[42b]**

4.02 The Economist Intelligence Unit (EIU) reported in its *Pakistan Country Report* dated 11 June 2010 that:

"On June 3rd the president, Asif Ali Zardari, signed international conventions on civil and political rights, and a convention against torture and other cruel, inhuman or degrading treatment or punishment. The first convention bans countries from imposing capital punishment on people under the age of 18; it also stipulates that the death penalty can only be imposed for the most serious crimes, and with the right to seek a pardon. It also says that people cannot be discriminated against on grounds including race, colour and religion. However, Pakistan also introduced some waivers protecting Pakistan's national rights in relation to Islamic law and ideology." **[2a] (The Political Scene: Pakistan signs international civil rights conventions)**

4.03 Jane's noted in its Sentinel Country Risk Assessment for Pakistan Security, updated 2 December 2010, that "In spring 2010, the army turned its attention to the Orakzai and Khyber regions, where many fighters were believed to have taken refuge from the earlier offensives. Pakistani forces have increased their ground and air attacks in these

regions, and have engaged in numerous clashes with the Pakistani Taliban. Despite losing ground, the militants have shown the ability to bounce back and have carried out a wave of bomb attacks, killing hundreds of people." **[1a]**

4.04 The International Institute for Strategic Studies (IISS) Armed Conflict Database reported in its section Human Security Developments July – September 2010, that:

"While authorities struggled to cope with Pakistan's worst humanitarian crisis in living memory, hardline Islamic charities rushed to fill the vacuum. Unprecedented monsoon flooding in late July killed some 1,750 people, wiped out entire villages and left 10 million homeless. Among the 20 million whose lives were disrupted by flooding, 6m were left in need of food aid, according to the United Nations. An area the size of Italy was submerged for weeks by the swollen Indus River. People faced a serious threat of endemic diseases, and the damage to infrastructure was estimated to have put Pakistan back by years, if not decades." **[34a] (Pakistan (FATA & K-P/NWFP))**

4.05 On 8 November 2010 a Christian woman, Asia Bibi, a 45-year-old mother of four, was sentenced to death for blasphemy after being accused of insulting the Prophet Mohammed following an altercation with fellow workers. (*Dawn*, 12 November 2010) **[42c]** Asia Bibi requested a pardon from President Zardari; however, he was barred from pardoning her as the court was already hearing an appeal against her sentence. (*The Guardian*, 29 November 2010) **[92a]**

See also Security situation, Humanitarian issues and Freedom of religion

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5. CONSTITUTION

5.01 Europa World Online, accessed 7 September 2010, noted that "The Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions... **[6] (Constitution and Government)** 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… (The Constitution of Pakistan) **[2a]**

5.02 Full text of the constitution, plus recent amendments, can be viewed at: http://www.pakistani.org/pakistan/constitution/ **[29n]**

5.03 Europa World also noted:

"In mid-April 2010 a number of far-reaching constitutional reforms (the Eighteenth Amendment Bill), ceding key presidential powers to the Prime Minister and legislature, were signed into law, following unanimous approval by the National Assembly and Senate earlier that month. The main components of the amendments, which effectively terminated the Seventeenth Amendment enacted by Musharraf in December 2003 (including the LFO [Legal Framework Order]) and transformed the president into a largely titular head of state, were: the divestment of the presidential mandate to dismiss elected governments and to appoint military chiefs and the transferral of these powers to the prime minister; the appointment of judges was transferred from the president to a

judicial commission; the chief election commissioner was no longer to be appointed by the president; the election of the prime minister and of provincial chief ministers was no longer to be conducted by secret ballot; the president no longer had the power unilaterally to impose emergency rule in a province; the two-term limit on the holding of the premiership was lifted (thus allowing for Nawaz Sharif potentially to try for another term as prime minister); and the NWFP [North West Frontier Province] was renamed Khyber Pakhtoonkhwa (a long-standing demand of the ethnic Pashtuns who dominate that region)." **[6] (Country profile: Recent developments: the abolition of the Seventeenth Amendment; increasing violence)**

5.04 The text of the Eighteenth Amendment Bill was published on the Council on Foreign Relations website, dated 19 April 2010. **[90]**

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6. POLITICAL SYSTEM

FEDERAL LEGISLATURE

6.01 Europa World online, accessed 21 September 2010, noted that:

"The President is a constitutional Head of State, who is normally elected for five years by an electoral college, comprising the Federal Legislature and the four provincial assemblies. The former consists of a lower and upper house – the National Assembly and Senate. There are 342 seats in the National Assembly, with 272 members directly elected (on the basis of adult suffrage), 60 seats reserved for women and 10 for non-Muslims. The term of the National Assembly is five years. The Senate comprises 104 seats; the provincial assemblies directly elect 92 members – of whom four have to be non-Muslims, 16 have to be women and a further 16 technocrats (including ulema, Muslim legal scholars) – and of the remaining 12 members, the Federally Administered Tribal Areas return eight members and the remaining four are elected from the Federal Capital Territory by members of the Provincial Assemblies. The term of the Senate is six years, with one-half of the membership being renewed every three years. The Prime Minister is elected by the National Assembly and he/she and the other ministers in the Cabinet are responsible to it." **[6] (Country profile: Constitution and Government)**

6.02 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"Despite Prime Minister Yousaf Raza Gilani's promise made of five reserved seats for minorities in the Senate, religious minorities were not able to secure seats in the Senate in February 2009. The minorities feel that before the end of the term of the present government in 2012, there were very slim chances of their representation in the Senate. Moreover, all assemblies have 33 per cent representation of women which does not include women belonging to minority groups." **[27c] (p131)**

6.03 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* 2010 (USSD IRF Report 2010) noted "All senior officials, including members of

Parliament, must swear an oath to protect the country's Islamic identity." **[3l] (Section II: Legal/Policy Framework)**

PROVINCIAL GOVERNMENTS

6.04 The USSD Background Note: Pakistan, dated 21 July 2010, stated that "Each of the four provinces – Punjab, Sindh, Khyber-Pakhtunkhwa [formerly North West Frontier Province] and Balochistan – has a chief minister and a provincial assembly. The Northern Areas [Gilgit-Baltistan], 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." **[3a] (Government and political organization)**

PAKISTAN ADMINISTERED KASHMIR (AZAD KASHMIR)

6.05 The Freedom House *Freedom in the World Kashmir (Pakistan) 2010* report, published 24 June 2010, stated

"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 UN-brokered ceasefire in 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 degree of nominal self-government." **[5b]**

6.06 The same source added:

"Conditions in Pakistani-administered Kashmir improved in 2009 due to reforms affecting the Northern Areas, which were renamed Gilgit-Baltistan, and elections for that region's new legislative assembly in November. Nevertheless, nationalist groups' demands for representation in Pakistan's Parliament remained unfulfilled. Substantive progress on the dispute over Kashmir between India and Pakistan largely stalled in 2009, following November 2008 terrorist attacks in Mumbai, India, by a Pakistan-based militant group, although bilateral talks between the two countries did resume in June." **[5b]**

6.07 Jane's Sentinel Country Risk Assessment for Pakistan noted, in its section on Pakistan-Administered Kashmir (AJK), dated 26 November 2009, that:

"AJK is still governed by the 1974 interim constitution (the constitution is designated interim by the Assembly as AJK is not yet independent) that allows for limited self-government through a president, prime minister and state council, although in reality power ultimately rests with the central government in Islamabad... **(Constitution)** "The national government exercises political control over AJK through the Azad Jammu and Kashmir Council... **(Executive)** [which] is a legislative body and the de facto upper house to the Azad Jammu and Kashmir Legislative Assembly. The council's main function is to act as a conduit between the federal government of Pakistan and the administration in PAK. It is chaired by the prime minister of Pakistan, and the vice-chairman is the president of AJK." **[1a] (Leadership)**

6.08 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, stated that "The federal government can dismiss arbitrarily the elected Azad Jammu and Kashmir legislative assembly." **(Section 3)** The same source noted "Azad Kashmir has a court system independent of the country's judiciary." **[3b] (Section 1e)**

6.09 The same source added that Kashmiris displaced from Indian-held Kashmir that had entered Pakistan were entitled to the same rights as full citizens. **[3b] (Section 2d)**

Line of control

6.10 Under the Karachi Agreement a cease-fire line was established between Pakistan and India, supervised UN military observers (UNMOGIP – United Nations Military Observer Group in India and Pakistan). "In July 1972, India and Pakistan signed an agreement defining a Line of Control [LoC] in Kashmir which, with minor deviations, followed the same course as the ceasefire line established by the Karachi Agreement in 1949. India took the position that the mandate of UNMOGIP had lapsed, since it related specifically to the ceasefire line under the Karachi Agreement. Pakistan, however, did not accept this position." (UNMOGIP Background, date accessed 22 September 2010) **[89]**

6.11 UNMOGIP also noted:

"Given the disagreement between the two parties over UNMOGIP's mandate and functions, the Secretary-General's position has been that UNMOGIP could be terminated only by a decision of the Security Council. In the absence of such an agreement, UNMOGIP has been maintained with the same arrangements as established following December 1971 ceasefire. The tasks of UNMOGIP have been to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and to report thereon to the Secretary-General.

"The military authorities of Pakistan have continued to lodge complaints with UNMOGIP about ceasefire violations. The military authorities of India have lodged no complaints since January 1972 and have restricted the activities of the UN observers on the Indian side of the Line of Control. They have, however, continued to provide accommodation, transport and other facilities to UNMOGIP." **[89]**

6.12 The *Freedom in the World 2010 Kashmir (India)* report stated "Kashmiris are generally free to move around the state. A bus service across the LOC was launched in 2005, and trade across the line reopened in early 2008 for the first time in 60 years." **[5c]**

6.13 Following a 2009 opinion poll, conducted on both sides of the LoC, a Chatham House paper, *Kashmir: Paths to Peace*, dated May 2010, stated, with regards to freedom of movement, that "The LoC is an almost complete barrier to movement. 8% of the respondents claimed to have friends or family living on the other side of the LoC but only 1% of the total population had visited in the last five years. Less than 5% knew anyone who had crossed the LoC in the last five years." **[86] (p20)**

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Map

6.14 United Nations Military Observer Group in India and Pakistan (UNMOGIP) map showing line of control as of September 2009:

(United Nations Cartographic Section) **[82b]**

GILGIT-BALTISTAN (FORMERLY KNOWN AS THE NORTHERN AREAS)

6.15 The *Freedom in the World 2010 Kashmir (Pakistan)* report noted:

"Islamabad approved the Gilgit-Baltistan Empowerment and Self Governance Order (GBESGO) in August 2009, officially renaming the Northern Areas as Gilgit-Baltistan and introducing a number of administrative, political, and judicial changes. The new order, which replaced the Northern Areas Legal Framework Order (LFO) of 1994, provided for a more powerful legislative body, the Gilgit-Baltistan Legislative Assembly (GBLA), with the authority to choose a chief minister and pass legislation on 61 subjects. While the government argued that the GBESGO established full internal autonomy, nationalist groups noted that a governor appointed by the Pakistani president would still be the ultimate authority and could not be overruled by the new assembly.

"In November elections for the GBLA, the Pakistan People's Party (PPP), which governed at the federal level, won 12 of 24 directly elected seats; 10 of the remainder were divided among four other parties and four independents, and voting for two seats was postponed. Syed Mehdi Shah, head of the Gilgit-Baltistan chapter of the PPP, was nominated by his party to become the region's chief minister." **[5b]**

6.16 The USSD Report 2009 noted that "Gilgit-Baltistan (formerly known as the Northern Areas) also has a separate judicial system. The Gilgit-Baltistan Self Governance Order 2009 instituted a separate judiciary, legislature, and election commission for the region. Formerly, laws of the country were extended to the Gilgit-Baltistan at the discretion of the Ministry for Kashmir and Gilgit-Baltistan. The Gilgit-Baltistan Chief Court did not have all the powers of a high court." **[3b] (Section 1e)**

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Human Rights

7. INTRODUCTION

7.01 The US Department of State *Country Report on Human Rights Practices 2009* on Pakistan (USSD Country Report 2009), published 11 March 2010, stated that:

"Although the civilian government took some positive steps, the overall human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. Collective punishment was a problem, particularly in the Federally Administered Tribal Areas (FATA), which fall under the legal framework of the Frontier Crimes Regulation (FCR). Lengthy trial delays and failures to discipline and prosecute those responsible for abuses contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem. Rape, domestic violence, sexual harassment, 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 lack of respect for worker rights remained concerns." **[2a]**

7.02 The Human Rights Commission of Pakistan noted in its annual report *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"Dastardly terrorist attacks, resulting in the killing of innocent citizens and law-enforcement personnel across the country, throughout the year 2009, constituted the greatest threat to fundamental rights of the citizens. Coming under attack from the security forces in their bastions in Swat and South Waziristan, the militant groups became desperate; they did not spare mosques, bazaars, religious minorities and educational institutions in their obvious bid to paralyse the state and all civilian life...

"The principle that military operations against the terrorists should be carried out in a manner that they do not violate human rights of the combatants and non-combatants alike was not always observed. In the aftermath of the Swat operations, HRCP received complaints of extra-legal killings and mass graves in the Malakand region, and raised its voice for an inquiry into these cases by a parliamentary committee... The military offensive against the militants drove hundreds of thousands of people out of their homes, creating a massive humanitarian crisis. While a large number of displaced people from Swat had returned to their homes by the end of 2009, 1.25 million people from the strife-ridden tribal areas were still displaced." **[27c] (p1)**

7.03 Human Rights Watch (HRW) noted in its *World Report 2010* on Pakistan, published 20 January 2010, that:

"The security situation significantly worsened, with bombings and targeted killings becoming a daily fact of life even in the country's biggest cities. Over two million people were displaced during major fighting between government forces and the Taliban. The economy suffered severe setbacks, food prices skyrocketed, and there were chronic shortages of energy and food. A re-assertive military publicly undermined the civilian

government in the areas of national security, foreign policy, and human rights. President Asif Ali Zardari's government, initially keen to promote human rights, made some headway but then lost momentum as it tried and largely failed to deal with these issues.

"Ongoing rights concerns include the breakdown of law enforcement in the face of acts of terrorism across the country, the failure of the judiciary to transform its newfound independence into non-partisan dispensation of justice, continuing torture and mistreatment of terrorism and other criminal suspects, unresolved enforced disappearances of terrorism suspects and opponents of the previous military government, military abuses in operations in the tribal areas and Swat, and discriminatory laws against and mistreatment of religious minorities and women." **[7a]**

7.04 The same report added:

"The government's response to militant attacks routinely violated basic rights. Suspects were frequently detained without charge or, if charged, were often convicted without a fair trial. Hundreds were detained in a country-wide crackdown on militant groups, particularly in the conflict zones in Swat and the tribal areas, but only a handful of the most prominent were charged. Many suspects were detained in two different military facilities in Swat, one in the Khyber agency of the tribal areas, and at least one more in Northwest Frontier Province. At this writing, the military had not allowed independent monitors access to most of these detainees." **[7a] (Militant Attacks, Counterterrorism, and Enforced Disappearances)**

7.05 The Foreign and Commonwealth Office (FCO) noted in its *Country Profile* for Pakistan, updated 20 September 2010, that "The British Government continues to be concerned about the human rights situation in Pakistan, particularly that of religious minorities. The cases of individuals facing the death penalty on blasphemy charges have attracted parliamentary and public interest in the UK. Other human rights issues of concern include discrimination against the Ahmadi community, forced marriages, honour killings, child and bonded labour and the treatment of women, particularly in rural communities." **[11b] (Human rights)**

7.06 Amnesty International noted in its *Report 2010*, for Pakistan, published 28 May 2010, that:

"Millions of Pakistanis suffered abuses as a result of a sharp escalation in armed conflict between the government and armed groups. Pakistani Taleban and other anti-government groups targeted civilians throughout the country, while security forces used indiscriminate and disproportionate force and carried out suspected extrajudicial executions. In areas controlled by the Pakistani Taleban and allied armed groups, civilians faced severe abuses, including arbitrary arrest and detention; torture and other ill-treatment; a near total absence of due judicial process; stringent restrictions on freedom of expression and assembly; religious and ethnic discrimination; and violence and discrimination against women and girls. Violence against minorities increased, with the government failing to prevent attacks or punish perpetrators. There were no executions, although 276 people were sentenced to death." **[13d] (p250)**

7.07 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 29 November 2010) **[40a]**

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8. SECURITY SITUATION

8.01 The United States Department of State (USSD) *Country Reports on Terrorism 2009*, published 5 August 2010, stated for Pakistan that:

"Foreign terrorist organizations, including al-Qa'ida (AQ) and its affiliates, continued to operate and carry out attacks in Pakistan. Violence stemming from Sunni-Shia sectarian strife and ethnic tensions, limited to certain geographical areas, claimed civilian lives. Similar to last year, attacks occurred with greatest frequency in the regions bordering Afghanistan, including Baluchistan, the Federally Administered Tribal Areas (FATA), and the North-West Frontier Province (NWFP). Attacks targeting the country's major urban centers, including Lahore, Islamabad, Peshawar, Karachi, and Rawalpindi, continued to increase... suicide attacks often resulted in large numbers of casualties, with about 50 percent of them occurring in Islamabad, Lahore, Peshawar, and Rawalpindi." **[3d] (Chapter 2. Country Reports: South and Central Asia Overview)**

8.02 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, stated that:

"Militants launched a spring offensive in the North-West Frontier Province (NWFP) [now known as Khyber Pakhtunkhwa], briefly occupying territory 60 miles north of the capital. Military operations to repel the militants from Malakand Division and parts of the FATA displaced approximately three million people at the peak of the crisis. By July [2009], families from Malakand Division began to return; by year's end, approximately 1.66 million had returned to their home areas. On August 12, the Human Rights Commission of Pakistan (HRCP) released a report stating that both the government security forces and insurgents had committed human rights violations, including extrajudicial killings, during the conflict in Malakand.

"During the year, military operations in the FATA and the NWFP killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the ongoing low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs). At year's end there were an estimated 1.2 million IDPs in the NWFP and FATA." **[3b]**

8.03 The Human Rights Commission of Pakistan stated in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"Pakistan faced 108 deadly suicide attacks during the year [2009] in which 1,296 people were killed. The year started with a suicide attack on January 4 on the Government Polytechnic College near Imam Bargah in Dera Ismail Khan and it ended with a dastardly attack on the main Ashura procession in Karachi on December 28. Major targets of militant groups were not only government premises but also included civilian establishments, mosques, schools, courts, media organizations and shrines. In five deadly attacks on mosques, 194 people were killed during the prayers. At least 250 persons were killed in seven suicide attacks on innocent civilians in markets.

"According to non-official estimates, 2,586 terrorist, insurgent and sectarian-related incidents were reported in 2009 in which 3,021 people were killed and 7,334 injured. The highest number of incidents (1,173) was reported from the NWFP, followed by 792 in Balochistan and 559 in Fata; 46 attacks took place in Punjab, 30 in Sindh, 12 in Islamabad and five each in Gilgit-Baltistan and Azad Kashmir." **[27c] (p54)**

8.04 The same source added that "According to official figures, more than 12,800 suspected militants, 75 of them belonging to Al-Qaeda, and 9,739 local Taliban or members of other banned groups, were arrested during operations conducted by law-enforcement agencies and armed forces across the country in 2009. The overall casualties rose to 12,632 people dead and 12,815 wounded, in 596 operational attacks during the year." **[27c] (p60)**

8.05 The South Asia Terrorism Portal (SATP) reported in its Pakistan Assessment 2010, accessed 24 September 2010, that, overall, terrorist violence in Pakistan caused 11,585 fatalities during 2009, although claimed the numbers could be significantly higher, since access to conflict areas by the media and independent monitors was denied. According to the SATP database 2,307 civilians, 1,011 Security Force personnel and 8,267 terrorists were killed in 2009. **[61b]**

8.06 Jane's Information Group noted in the Executive Summary, updated 20 October 2010, of its Sentinel Country Risk Assessments for Pakistan that:

"Despite a series of offensives, extremist violence remains the most pressing threat to stability. Recent offensives include Operation Rah-e-Nijat (Road to Deliverance) against the Pakistani Taliban in South Waziristan, following the death of Baitullah Mehsud, and the March 2010 offensive in Orakzai tribal agency. While the army may temporarily secure the key population areas in the Mehsud-dominated parts of the agency, it is unlikely to be able either to hold these parts over the short term or to extend the writ of the state to the region over the long term. A series of incidents have highlighted the deterioration in security and the growing symbiotic relationship between Punjabi-based and tribal-based jihadist organisations: most notably the 20 September 2008 attack on the Marriott Hotel and a series of high-profile attacks throughout 2009 in Punjab's key cities. The most audacious attack to date was the 11 October 2009 storming of the Pakistani army General Headquarters in Rawalpindi. Tension along the Afghan border, primarily in the tribal areas, has greatly increased, with areas of Khyber Pakhtunkhwa also witnessing almost daily violence, especially the capital of Peshawar." **[1a] (Executive summary: Security threats)**

8.07 Human Rights Watch noted in its *World Report 2010* (HRW World Report 2010), published 20 January 2010, covering 2009 events, that:

"Pakistan was rocked by a spate of suicide bombings, armed attacks, and killings in 2009 by Taliban and al Qaeda militants and their affiliates that targeted civilians, the political elite of the country, educational institutions, hospitals, marketplaces, and even the visiting Sri Lankan cricket team. The capital, Islamabad, its twin city Rawalpindi, and the provincial capitals of Lahore and Peshawar were repeatedly sites of attacks. Armed groups also continued to recruit and use children, including for suicide attacks.

"The government's response to militant attacks routinely violated basic rights. Suspects were frequently detained without charge or, if charged, were often convicted without a fair trial. Hundreds were detained in a country-wide crackdown on militant groups, particularly in the conflict zones in Swat and the tribal areas, but only a handful of the most prominent were charged. Many suspects were detained in two different military facilities in Swat, one in the Khyber agency of the tribal areas, and at least one more in Northwest Frontier Province. At this writing, the military had not allowed independent monitors access to most of these detainees." **[7a] (Militant Attacks, Counterterrorism, and Enforced Disappearances)**

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US AIRSTRIKES

8.08 The Long War Journal, last updated 19 November 2010, noted in its report *Charting the data for US airstrikes in Pakistan, 2004 – 2010*, that:

"The US ramped up the number of strikes in July 2008, and has continued to regularly hit at Taliban and Al Qaeda targets inside Pakistan. There have been 199 strikes total since the program began in 2004; 189 of those strikes have taken place since January 2008. Since 2006, there have been 1,629 leaders and operatives from Taliban, Al Qaeda, and allied extremist groups killed and 108 civilians killed... Over the past six years, the strikes have focused on two regions: North and South Waziristan. Over the past two years, there has been a dramatic shift in the location of the strikes. In 2009, 42% of the strikes took place in North Waziristan and 51% in South Waziristan. In 2010, 91% of the strikes have taken place in North Waziristan and 7% in South Waziristan." **[37a]**

8.09 The Long War Journal provided a list, last updated 29 September 2010, of *Senior al Qaeda and Taliban leaders killed in US airstrikes in Pakistan, 2004 - 2010*. **[37b]**

8.10 The HRCP Report 2009 noted "According to figures compiled by Pakistani authorities, out of the 44 strikes carried out by the Afghanistan-based American drones in the Pakistani tribal areas during 2009, only five hit the actual targets, killing five Al-Qaeda and Taliban leaders at the cost of around 700 civilians. The remaining 39 attacks went wrong." **[27c] (p62)**

8.11 The same report added "According to the data provided by authorities, 98 people were killed in two US drone attacks carried out in Pakistani territory in 2006, 67 more were killed in three attacks in 2007, another 385 people were killed in 34 attacks in 2008 and 708 more lost their lives in 44 drone attacks in 2009." **[27c] (p62)**

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MILITANT ACTIVITY

8.12 Reporting on the violence in Pakistan, dated 6 September 2010, Reuters AlertNet stated:

"Pakistan's western border areas are racked by violence as separatists and pro-Taliban militants fight government forces to try to extend their control. Hundreds of thousands of people have been displaced by the fighting, many of them out of reach of aid agencies. The main areas affected are Khyber-Pakhtunkhwa (formerly known as North West Frontier Province) and the semi-autonomous Federally Administered Tribal Areas (FATA) which have a strong Taliban presence, and Baluchistan where separatists are seeking greater political autonomy and control over local mineral resources." **[10b] (In detail)**

8.13 Jane's noted in its Executive summary, updated 20 October 2010, that:

"Despite tribal-based and Punjab-based militant groups operating in the country with relative impunity, militancy in Pakistan is not ethnically segregated. This means that militants from the Federally Administered Tribal Areas (FATA) have often been arrested during raids on Punjab-based organisations, while Punjabi members of Lashkar-e-Jhangvi [LeJ] and Jaish-e-Mohammed [JeM] from urban centres in Pakistan's heartland often operate for brief stints with the TTP [Tehrik-e-Taliban Pakistan] in the tribal belt before returning to their home districts. Indeed since 2002 LeJ members have become increasingly embedded in Pakistani Taliban factions based in the tribal areas. Furthermore, despite the death of Baitullah Mehsud in August 2009, security has continued to deteriorate in the tribal areas as well as in other parts of the country, namely Punjab. This has less to do with the appointment of Hakimullah Mehsud as Baitullah's successor than with the reality that militancy does not depend on individual commanders but on a grassroots network whose foundations are madrassahs, mosques and training camps scattered in villages, districts and urban centres across Pakistan." **[1a] (Extremist militancy)**

8.14 The International Institute for Strategic Studies (IISS) Armed Conflict Database, reporting on military developments in 2009 in FATA and KP (NWFP), accessed 23 September 2010, stated that Pakistan launched a military offensive against the Taliban in late April 2009: *Operation Rah-e-Rast* began on 26 April in Swat and other districts of the then NWFP; *Operation Rah-e-Nijat* was launched in October in South Waziristan in FATA. **[66a]**

8.15 The IISS noted "*Operation Rah-e-Rast* in April [2009] involved more than 20,000 troops in recovering territory annexed by the Taliban at the start of the year. By the end of January [2009], militants were reported to control most of the Swat Valley. The Tehrik-e-Taliban (TTP) agreed a ceasefire with the provincial government in mid-February [2009] in exchange for the imposition of sharia law in Swat, but soon broke it, moving into Buner, Shangla and the strategically important town of Mingora, Swat's capital." **[66a]**

8.16 The South Asia Terrorism Portal (SATP) reported in its Intelligence Review, Volume 9, No. 11, dated 20 September 2010, on militant attacks against North Atlantic Treaty Organisation (NATO) convoys travelling to Afghanistan via Pakistan. The report noted:

"In a span of just 28 days since August 23, 2010, as many 20 NATO convoys, were targeted in 14 terrorist attacks... Barring Sindh, all the other Provinces and the Federally

Administered Tribal areas (FATA) witnessed attacks over this period, with Balochistan leading from the front (the Taliban and its affiliates control the principal transport routes in Pashtun-dominated North Balochistan. The attacks in Balochistan are not connected with the Baloch rebellion against Islamabad)... at least 49 attacks on NATO convoys have already occurred in 2010." **[61f]**

8.17 The same source added that, on 22 June 2010, the TTP "...pasted posters in the main market in Landikotal in the Khyber Agency, warning those connected with the supply or transport of goods to NATO Forces in Afghanistan to stop doing so, or face attacks on their homes. The posters declared, further, that all those protecting supplies deserved to be killed. The warning was written on the letterhead of the TTP with the name, sign and stamp of Hakeemullah Mehsud, the TTP chief." **[61f]**

8.18 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 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)**

8.19 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)**

8.20 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' [Operation Rah-e-Nijat] in South Waziristan, the district in the Federally Administered Tribal Areas (FATA) that is the stronghold of Tehrik-i-Taliban Pakistan..." **[75b] (The Political Scene)**

8.21 During the course of 2008, 2009 and 2010, there have been numerous clashes between the authorities and militants, primarily in the FATA and Khyber-Pakhtunkhwa (NWFP). There were also a number of attacks and suicide bombs against targets in Pakistan's principal cities. The South Asian Terrorism Portal (SATP) provides a comprehensive timeline of events in 2008, 2009 and 2010 for the country generally and for individual provinces/territories. **[61c]** Reuters Alertnet, Pakistan violence Timeline, updated 6 September 2010, also provides a useful summary of significant events during 2008 to 2010. **[10b]**

See also subsection: Federally Administered Tribal Areas and Pakistani Taliban

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Balochistan (Baluchistan)

8.22 In its briefing on Pakistan violence, dated 6 September 2010, Reuters AlertNet stated "Baluchistan lies to the southwest of FATA, bordering both Iran and Afghanistan, and is made up primarily of Baluch and Pashtun ethnic groups. Baluch tribal militants are fighting a decades-long insurgency for greater political autonomy and control over local mineral resources. Afghan Taliban fighters also operate in the area." **[10b] (In detail: Baluchistan)**

8.23 The SATP noted in its Balochistan Assessment – 2010, that there had been some reduction in violence in the province during 2009. "At least 268 persons, including 148 civilians and 83 Security Force (SF) personnel, have died [in 2009 up to 20 November]. Significantly, there has been a dramatic reduction in the number of insurgents killed, an indication that CI [counter-insurgency] operations are not yielding results." The report added that "Despite the reduced levels of violence, the insurgency continues to simmer, with a steady stream of bomb and rocket attacks on gas pipelines, railway tracks, power transmission lines, bridges, and communications infrastructure, as well as on military establishments and Government facilities." **[61g]**

8.24 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." **[61g]**

8.25 The HRCP Report 2009 stated:

"In Balochistan, Pakistan's largest and poorest province, Baloch militants were engaged in a long-running insurgency during 2009. Afghan Taliban groups were also accused of using Balochistan as a base where most of the terrorist acts had sectarian motives... Moreover, Baloch militant organisations also indulged in the killing of non-Baloch people (aka settlers) in the province including teachers, businessmen and skilled labour. Hundreds of non-Baloch families migrated from Quetta to other parts of the country. The public safety situation became so bad in Quetta that businesses would close early in the evening. During the year, the incidents of abduction for ransom in Quetta sharply rose and not a single perpetrator of the crime was held accountable. The business community was forced to pay extortion money to one or the other political group. In 2009, 141 incidents of target killing took place in the province. In these incidents, 118 citizens and 158 security personnel were killed while 83 citizens and 7 security officials were injured." **[27c] (p62-63]**

8.26 The HRW Report 2010 noted:

"The Zardari government took a major step forward by acknowledging that human rights violations against the Baloch, including the 'disappearance' of hundreds of people, took place during Musharraf's military government. However, the military has blocked attempts by the government to locate the victims and continues to exercise sway over the province through its intelligence agencies. Targeted killings by Baloch nationalists of non-Baloch settlers in the province spiked sharply in 2009, while reports of torture and arbitrary detention of Baloch nationalists at the hands of the military's intelligence

agencies continued. In October, Shafiq Ahmed Khan, the provincial education minister, was shot dead. Baloch nationalists claimed responsibility." **[7a]**

8.27 The SATP website provides a comprehensive timeline of incidents in Balochistan from 2003 through to 2010 in its Balochistan Timeline, accessed 27 September 2010. **[61d]**

8.28 Jane's reported in its Executive Summary, updated 20 October 2010, that in an attempt to address the route cause of conflict, a "Balochistan package" was presented before parliament on 24 November 2009:

"Key issues addressed by the 39-point-package include the acknowledgement 'that the question of provincial autonomy needs to be revisited and the ownership of the provinces over their resources reasserted in the constitution' and the determination 'to correct the wrongs of history, by conferring the political, economic and cultural rights of the provinces'. Specific proposals comprise far-reaching constitutional, political, administrative and economic measures… So far, the government's initiative has received widespread support, including from the main opposition party Pakistan Muslim League-Nawaz (PML-N); however, a few Baloch MPs have indicated that these proposals did not yet go far enough." **[1a] (Balochi Separatism)**

8.29 Addressing a press conference in Balochistan on 7 June 2010, Prime Minister Yousuf Raza Gilani stated that:

"... the government had launched the Aghaz-e-Haqooq-i-Balochistan to rebuild the confidence of Baloch people in the federation. The package was supplemented by the incorporation of gas royalty, NFC Award, 18th Amendment and provincial autonomy. The prime minister said that under the package over 5,000 youths would get government jobs soon. The process of written test and interviews has been completed. He said that women would also get jobs under the package. Mr Gilani said the Balochistan package was an initiative and not a complete solution to problems of the province. He said that giving more shares to the provinces in national resources would promote harmony." (*Dawn*, 8 June 2010) **[42a]**

8.30 The *Daily Times* reported on 21 September 2010 that:

"Balochistan Chief Minister Nawab Muhammad Aslam Khan Raisani and Senator Mian Raza Rabbani on Monday [20 September] reiterated their commitment to implementing the 18th Amendment and the Aghaz-e-Haqooq-e-Balochistan Package…. [Both leaders agreed that] 'The 18th Amendment has taken a major leap forward in giving provincial autonomy, as a result of which today the federation and the provinces are co-owners of their natural resources with joint management, conducted through the CCI [Council of Common Interests]'..." **[55b]**

Federally Administered Tribal Areas (FATA)

8.31 Amnesty International stated in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that "FATA comprises seven so-called Agencies: Khyber, Kurram, Orakzai, Mohmand, Bajaur, South Waziristan and North Waziristan. The 1998 census, the last available accurate set of data, registered close to 3.2 million people living in the Federally Administered Tribal Areas; current estimates suggest close to 3.9 residents in an area slightly smaller than Belgium at 27.22km2." **[13e] (p20)**

8.32 Reuters AlertNet noted in its briefing on Pakistan violence, updated 6 September 2010, that "Pakistani Taliban tribal groups control large swathes of the Federally Administered Tribal Areas (FATA). They draw much of their resources from jihadi groups and their countrywide networks of mosques and religious seminaries, or madrasas... The areas of most concern include South Waziristan, North Waziristan and Bajaur. South Waziristan has numerous training camps for suicide bombers and has been described by U.S. officials as the world's most dangerous place." **[10b] (In detail: Federally Administered Tribal Areas)**

8.33 The South Asia Terrorism Portal (SATP) noted in its *Pakistan Assessment 2010*, covering events in 2009, that:

"FATA emerged as the epicentre of lawlessness, with the Federal Government losing control. At least 5,238 persons were killed in 3,836 incidence of violence in FATA in 2009, as compared to 3,067 in 1,154 violent incidents in 2008. Taliban's writ runs across the region. On April 10, 2009, the Taliban announced the enforcement of Sharia (Islamic law) in the Bajaur Agency and stopped women from going outside without male relatives, banned the shaving of beards, and warned people against availing assistance from the Benazir Income Support Programme. The announcement was made by Maulvi Faqir Mohammad, the Taliban chief in the Agency, in a 40-minute speech delivered through his group's illegal FM radio channel. Earlier, on January 4, 2009, the Orakzai chapter of the TTP established Sharia courts in most part of the Orakzai Agency. On April 15, 2009 the Sikh community living in the Orakzai Agency conceded to the Taliban demand to pay jizia – a tax levied on non-Muslims living under Islamic rule – and paid PKR 20 million to the Taliban in return for their 'protection'." **[61b]**

8.34 The Human Rights Commission of Pakistan stated in its annual report *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"While the security agencies focussed their attention on operations against Taliban militants in Swat and South Waziristan, Kurran [Kurram] Agency remained under the control of Taliban militants till the end of 2009. Pakistani Taliban had been ruling the roost in Kurram since April 2007, when fugitives from Swat and South Waziristan turned the lower Kurram into their bastion. They attacked native Shia tribes, Turi and Bangash, killing at least 700 people and injuring 2,000 others between April 2007 and December 2009. Hundreds of families from Sadda, Balish Khel, Sangina, Bilyamin, Munda, Kass, Bagzai, Jalamai and Chardiwal villages left their homes to live in other parts of the country. The only road linking Parachinar, headquarters of Kurram Agency, remained under Taliban control as they had blocked it for public transport since April 2007. The passengers who tried to use the road were slaughtered like animals with their arms and legs chopped off and their headless bodies sent to their families. As a result, more than 500,000 people of Parachinar had no access to Peshawar and other parts of the country and were usingAfghan territory to reach Peshawar. The food shortage and unavailability of other daily items drove the people to the point of starvation while the authorities looked the other way" **[27c] (p58)**

8.35 The AI report *"As If Hell Fell On Me"...* stated:

"In its military operations, Pakistan has deployed a wide array of security forces, including army soldiers, Inter-Service Intelligence agents, tribal levies called lashkars (official tribal militias) and khassadars (tribal police), the Frontier Constabulary (an armed police force operating in FATA border areas), and the Frontier Corps (a

paramilitary force). The army and Frontier Corps (FC) are the two forces with the primary responsibility for maintaining law and order in FATA." **[13e] (p32)**

See also Security forces

8.36 In its section on security, updated 20 October 2010, 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 and unrest has spread to settled areas of the NWFP. 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 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 and has increased significantly in recent months as manifested in the Afghan province of Nuristan where Pakistani Taliban took control of remote districts near the Pakistan border." **[1a] (Security: Terrorist/Insurgent threat)**

The South Asian Terrorism Portal provides a comprehensive timeline of incidents in FATA from 2002 to the present (updated to 7 November 2010). **[61c]**

See also sub-section Pakistani Taliban

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Khyber-Pakhtunkhwa (KP) (formerly known as North West Frontier Province – NWFP)

8.37 The AI report *"As If Hell Fell On Me"...* stated:

"In March 2009, the Awami National Party government of NWFP agreed to the demands of the Malakand-based Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) to introduce Islamic law and set up Islamic courts in Malakand division, with religious courts deciding all cases after 16 February 2009. The peace agreement also required that the army dismantle all checkposts, release captured insurgents including those responsible for unlawful killings and other abuses. The National Assembly passed the Nizam-e-Adl Act [Nizam-e-Adl Regulation – NAR] 2009 in April; it was signed into law by President Zardari, allegedly under pressure from the military leadership, on 13 April 2009. However, in the same month, insurgents extended their operations into neighbouring Buner district, effectively breaking the peace accord." **[13e] (p37)**

8.38 The US Department of State's *International Religious Freedom Report 2010* (USSD IRF 2010) stated that "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 NAR has been inoperative since the start of military operations in April

2009. At the end of the reporting period, military operations were ongoing in the FATA and Khyber-Pakhtunkhwa province." **[3l] (Section II)**

8.39 The South Asia Terrorism Portal noted in its Intelligence Review Volume 9, No. 17, dated 1 November 2010 that:

"On June 14, 2009, the Pakistan Army made the absurd claim that its operations had rendered the Swat Valley free of militants. Between June 14, 2009, and October 31, 2010, however, according to partial data compiled by the South Asia Terrorism Portal (SATP), 1,041 persons were killed in the Valley, including 907 militants, 105 civilians and 29 Security Forces' (SF) personnel, in a least 159 incidents. In the wider Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province) province within which Swat is located, fatalities over this period totalled at least 2,985, including 1,778 militants, 962 civilians and 245 SF personnel, in 2349 incidents [these may be significant under-estimates, as information flows from regions of conflict in Pakistan are erratic and unreliable] " **[61f]**

8.40 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." **[7h]**

See also Section: Internally Displaced Persons

8.41 The Foreign and Commonwealth Office, in its regularly updated Travel Advice on Pakistan, listed suicide bombings and other major militant incidents that occurred during 2010. **[11a]** The South Asia Terrorism Portal provides a comprehensive timeline of incidents in NWFP from 2003 to the present.

See also subsection: Pakistani Taliban

PAKISTANI TALIBAN

8.42 In an extract from Jane's World Insurgency and Terrorism, updated 22 November 2010, it was reported that:

"The Tehrik-e-Taliban Pakistan (TTP) was formed as an umbrella group that would enable the numerous pro-Taliban groups operating in the Federally Administered Tribal Areas (FATA) and Khyber Pukhtoonkhwa (formerly the NWFP) of Pakistan to co-ordinate their activities and consolidate their growing influence in the region. The formation of the TTP was announced in a statement on 14 December 2007. However, the individual groups that constitute the TTP - most notably the Tehrik-e-Nefaz-e-Shariat-Mohammadi (TNSM) in Swat - had existed for varying amounts of time prior to this date. The TTP was founded by Baitullah Mehsud, who served as the overall emir of the TTP, and the commander of TTP forces in South Waziristan, until his death on 23 August 2009 from injuries sustained in a United States drone missile strike on 5 August. The group's shura (council) on 22 August selected the TTP's commander in Orakzai, Kurram and Khyber agencies, Hakimullah Mehsud, as Baitullah's replacement.

Hakimullah was himself reported killed in a drone strike in Pasalkot in North Waziristan on 14 January 2010. Although Pakistani Minister of the Interior Rehman Malik asserted in February that he had 'credible information' that Hakimullah had died of wounds inflicted in the strike, his death was continually denied by the TTP and could not be independently confirmed." **[1b] (Group formation)**

8.43 On the TNSM, 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..." **[1a] (Security: Religious Militant)**

8.44 The TNSM rose to prominence in the mid-1990s following Swat's merger with Pakistan in 1969, afterwhich 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 Makaland 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, 20 October 2010) **[1a] (Security: Religious Militant)**

8.45 The Amnesty International report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, stated:

"It is difficult to delineate exactly how the Pakistani Taleban and their allied insurgent groups in FATA and northwestern Pakistan are organized, who commands them, and where they get their support: the groups' allegiances have shifted several times in recent years, and groups or parts of groups have moved from place to place, both within tribal agencies and across the border into Afghanistan. While most share an extreme religiously inspired militant ideology and a Pashtun identity, they vary widely in objectives and focus. However, many of the groups now share an operational plan, and have demonstrated that they possess effective chains of command and the ability to impose discipline on their ranks when they so desire." **[13e] (p30)**

8.46 The same report added:

"In each of the FATA Agencies (and some parts of NWFP), the Pakistani Taleban followed a pattern similar to the strategy employed by the Taleban in Afghanistan in the mid 1990s. First, they attempted to gain the sympathies of the people by offering an alternative to the weak and inequitable governance system (in the case of Pakistan, as established under the FCR [Frontier Crimes Regulation]) and combating official corruption and ordinary criminal activity. After Taleban or other insurgents initially gained effective control over an area, they used violence and public punishments to impose codes of conduct based on their own radical interpretations of Islamic law, or Shari'a.

"The Taleban's violent conduct quickly shocked many locals, even though many people in northwest Pakistan adhered to conservative religious and cultural practices. Though the region has a history of insurgency and conservative religious rule, its culture was based on old tribal norms, which differed significantly from the Taleban's ideology. As discussed below, the Taleban aggressively moved to weaken the existing tribal structure by killing or intimidating tribal elders and government officials, and their interpretation of Islamic law was much harsher than that espoused by most of the residents of northwest Pakistan. The Taleban forced men to maintain long beards; wear caps; not smoke, watch television, or listen to music; attend religious teachings; and pray five times a day at mosque. They used violence to force women to stay inside if not veiled, and to be accompanied by a male relative outside the home. Girls, too, were told to attend schools, if at all, wearing all-encompassing veils. Taleban forces also began to launch attacks against the government, those believed to support the government, and other political rivals. Local tribal elders told Amnesty International that militants began attacking military look-out posts (also known as pickets), bridges, schools, hospitals, electricity and mobile telephone towers, markets, and shops, civilian and military convoys, anti-Taleban tribal elders, and so-called spies." **[13e] (p39)**

8.47 AI also noted that:

"One of the hallmarks of the Taleban's takeover of a territory has been the imposition of tribunals that apply their harsh interpretation of Islamic law. Over the past few years Taleban 'tribunals' and other local systems of informal justice have been increasingly proliferating in Bajaur, Mohmand Agency, Orakzai, Khyber, and Waziristan agencies, and, at least for some time, in Swat and other areas of Malakand. Militants openly boasted of their enforcement operations: 'Yes, we have arrested people and beaten them. One person was fined 5,000 rupees for not sporting a beard. Another two doctors were beaten,' said a member of Haji Namdar's forces in Khyber Agency. Other punishments imposed and carried out range from shaving a person's head as a form of humiliation, to unlawful killings and public punishments such as lashing." **[13e] (p43)**

See also Judiciary: Tribal Justice System

8.48 The United States Commission on International Religious Freedom noted in its *Annual Report 2010* (USCIRF Report 2010), published May 2010, that:

"By early 2009, Sunni extremists gained effective control in large portions of rural northwestern Pakistan, where they killed hundreds of Shi'a civilians, imposed a harsh, Taliban-style of justice, and displaced Shi'a, Sikh, Hindu, and other minority populations. Jizya (the traditional tax on non-Muslims under Islamic law) was imposed on Sikhs and Hindus and violence was threatened for non-compliance. Sunni extremists destroyed shrines and tombs with religious or cultural significance to other Muslims, notably the shrine of revered Pashtun poet and Sufi mystic Rahman Baba, which was bombed in March 2009." **[53a] (p93)**

8.49 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." **[88a] (p3)** Human Rights Watch reported that the Taliban dragged a local iman into Mingora town square where he was shot and killed after he objected to their stockpiling arms and laying landmines. **[7e]** 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..." **[88a] (p3)**

See also subsections Khyber Pakhtunkhwa, Federally Administered Tribal Areas and Militant activity for detail on clashes between Taliban and government forces.

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SECTARIAN VIOLENCE

8.50 The United States Commission on International Religious Freedom noted in its *Annual Report 2010* (USCIRF Report 2010), published May 2010, that "Over at least the past decade, Pakistan has suffered from sectarian and religiously-motivated violence, much of it committed against Shi'a Muslims by Sunni extremists, but also against Ahmadis, Christians, and Hindus. Beginning in early 2008, armed extremists, some of whom have ties to Al-Qaeda or to the Afghan Taliban, intensified their attacks, including bombings." **[53a] (p93)**

8.51 Jane's noted in its section on Non-State Armed Groups, updated 21 June 2010, that "Pakistan's population is predominantly Sunni Muslim, but there are significant Shia minorities in some parts of the country. Periodically the Shia community has been subjected to violent attacks by the Sunni community, some of which have been reciprocated." **(Sectarian Groups)**

8.52 In its Executive Summary, updated 24 June 2010, Jane's noted that:

"Ethnic and sectarian violence has plagued Pakistan for almost two decades. For example, in the commercial hub of Karachi, resentment of commercially successful Mohajirs (Urdu-speaking migrants from India after partition), has fuelled violent conflict with non-Mohajirs, particularly Pashtuns; violence in May 2010 left about 30 people dead. Activists from the Muttahida Qaumi Movement (MQM), the Awami National Party (ANP) and the religious Jamaat-i-Islami (JI) party were among those who died in a spate of targeted killings. Mohajirs largely comprise the MQM party, which wields considerable influence in urban Sindh, especially Karachi. Ethnic polarisation is endemic in Karachi, with the city sharply divided between Sindhis, Baluchis, Mohajirs, Pashtuns and Punjabis. Conflicts between them have often erupted into violence since the start of 2010... On 28 May 2010, co-ordinated attacks on two separate Ahmadi mosques in Lahore left close to a 100 people dead, one of the deadliest sectarian attacks in recent years, highlighting how religiously polarised and conservative Pakistani society is." **[1] (Communal and sectarian violence)**

8.53 The HRCP Report 2009 stated, with regards to sectarian violence, that:

"Despite the tight security provided by the government and private agencies, 2009 witnessed considerable sectarian violence. On 28th December 2009, the tenth day of the holy month of Muharram, at least 40 people were killed and 60 others injured in Karachi when a suicide bomber targeted the main Ashura procession. Afterwards, Interior Minister Rehman Malik said the investigations revealed that a sectarian organization, was behind the attack. It was the third sectarian attack on the minority community in three days in Karachi in spite of police and security agencies' efforts at maintaining a massive vigil over the traditional procession route. Shia population in Parachinar also remained under attack from sectarian militants. The road link to Parachinar remained cut off." **[27c] (p132)**

8.54 The website of the South Asian Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan for 2009 (based on news reports), stating that there were 106 incidents, 190 deaths and 398 people injured. From January to October 2010, SATP recorded 49 sectarian incidents, 457 deaths and 1087 people injured. **[61a] (Sectarian Violence in Pakistan)**

See also Freedom of Religion, Shi'a and Sunni Muslims: Sectarian violence, and Political Affiliation: Politically motivated violence

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9. SECURITY FORCES

9.01 The Amnesty International report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan,* published 10 June 2010, stated:

"In its military operations, Pakistan has deployed a wide array of security forces, including army soldiers, Inter-Service Intelligence agents, tribal levies called lashkars (official tribal militias) and khassadars (tribal police), the Frontier Constabulary (an armed police force operating in FATA border areas), and the Frontier Corps (a paramilitary force). The army and Frontier Corps (FC) are the two forces with the primary responsibility for maintaining law and order in FATA." **[13e] (p32)**

POLICE

9.02 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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 (mayors) write the district police officer annual performance evaluation reports, which guide promotions.

"Law and order in the FATA is administered under the FCR through the political agent, who reports to the president through the NWFP governor. In lieu of police, multiple law enforcement entities operate in the FATA. These include various tribal forces; the paramilitary Frontier Corps, which reports to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between the FATA and the NWFP; levies, which operate in some FATA agencies and report to the political agent; khassadars, which help the political agent maintain order; and lashkars, tribal militias convoked by tribal leaders to deal with temporary law and order disturbances.

"The Rangers are a paramilitary organization under the authority of the Ministry of Interior." **[3b] (Section 1d)**

9.03 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that "In 2009, there were more than 83,000 constables in the police force in the Punjab out of which more than half of the force was deployed outside the police stations, mostly on providing security to VIPs. The Punjab police budget went up from Rs 8 billion to nearly Rs 30 billion, in about ten

years, but that made little impact on the ever-increasing crime rate in the province." **[27c] (p77)**

9.04 Jane's noted in its section on Security and foreign forces, updated 20 October 2010, that, as estimated in 2005, the Pakistan police force's total strength was 200,000. The report noted:

"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.

"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.

"Pakistani police are regularly charged with quelling sectarian violence and investigating cases of religious intolerance. The police have been unable to stem the tide of targeted killings, especially of members of the minority Shia and Christian communities.

"The PSP [Police Service of Pakistan] is the career federal civil service body from which senior police officers are drawn. Junior officers are appointed by provincial governments. PSP cadres are assigned to serve with provincial governments or to central government bodies. Recruits are selected annually by examination, and the body's decent pay rates and prestige ensure that competition is keen. Successful candidates receive two years of training at the Police Training College in Sihala, near Islamabad, and are then assigned to duty. Postings and promotions are frequently subject to political interference." **[1a] (Police)**

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ARMED FORCES

9.05 The USSD Report 2009 observed that "The armed forces are responsible for external security. At times during the year, they were also assigned domestic security responsibilities." **[3b] (Section 1d)**

9.06 The total strength of Pakistan's armed forces was recorded as 590,000 (520,000 Army, 45,000 Air Force and 25,000 Navy personnel), with 500,000 reservists. (Jane's: Armed Forces, 5 February 2010) **[1a] (Summary)**

9.07 Jane's noted in its section on the Army, updated 5 March 2010, that the Pakistan army "… is large, well trained, reasonably well equipped and has good morale. Senior leadership is of a high quality and there is no evidence of religious extremism among senior officers, largely due to tight monitoring of promotion and selection boards by successive army chiefs, although it appears there may be some extremists in junior ranks." **(Summary)** The report added that "Reserves are intended as individual replacements and reinforcements and training is minimal, being for a triennial three week period. Reservists, however, are drawn in the main from recent service-leavers,

who remain liable for service to the age of 45 and have readily-employable skills." **[1a] (Sustainment)**

OTHER GOVERNMENT FORCES

9.08 Other government forces of Pakistan include the Border guards, consisting of the Frontier Corps (FC) with a total strength of 65,000, and Pakistan Rangers, total strength 30,000. The Pakistan Rangers are responsible for policing the border with India along with other internal security tasks as required. The FC is deployed along the border with Afghanistan under two commands – FC (NWFP) and FC (Balochistan). (Jane's, Security and foreign forces, 20 October 2010) **[1a]** Jane's noted that:

"… in recent years, particularly since the Pakistani Army was deployed to the tribal areas in 2003 - triggering an ongoing insurgency and a severe deterioration in the security situation - the FC (NWFP) has suffered from increased demoralisation, exacerbated by the lack of weaponry, equipment and adequate training. Indeed, the FC (NWFP) has borne the brunt of the fighting against fellow Pashtun Pakistani tribal militants and foreign Islamic militants over the past five years. There have been an increasing number of desertions from the FC, particularly following the insurgencies in South and North Waziristan agencies in the FATA between 2004 and 2006. In addition, more than 1,000 soldiers, both from the Pakistan Army and the FC, have been killed to date in the fighting in the tribal areas and in Swat district in NWFP." **[1a] (Border Guards; Organisation)**

9.09 Other forces include the National Guard with 180,000 personnel, the Maritime Security Agency, and the Coast Guard, each with 2,000 personnel. (Jane's, Security and Foreign forces, 20 October 2010) **[1a] (Security forces)**

9.10 The Amnesty International report *"As If Hell Fell On Me"...* stated:

"In addition to the regular uniformed forces, tribal elders have formed tribal militias or laskhars (literally, 'armies'). The institution of the tribal lashkar, originally a tribal irregular volunteer militia, has undergone a transformation during the past few years; it is not a permanent defence force but is an irregular force with a localized mission and hence not accustomed to being directed by a central authority for a sustained purpose. In many instances, tribes, frustrated at insurgent operations including unlawful killings, harassment, intimidation and displacement, set up lashkars for their protection. The army, relying on the superior local knowledge of tribesmen, has of late encouraged and in some cases armed such militias to fight insurgents, in the FATA region as well as in NWFP. Laskhars have fought militants in several of the FATA's seven agencies; insurgents, in return, have targeted lashkar members and unlawfully killed anti-Taleban tribal elders who have ties to the laskhars as well as relatives of lashkar members." **[13e] (p33)**

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Intelligence agencies

9.11 Jane's noted in its Security and Foreign forces section 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.

"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." **[1a] (Intelligence agencies)**

9.12 Reporting on the size of the ISI, Reuters noted on 8 October 2010 that "Its size is not publicly known but… is widely believed to employ tens of thousands of agents, with informers in many spheres of public life." The same source reported that there was speculation by US defence officials that elements of the ISI were "… interacting improperly with the Taliban and other insurgent groups…" **[10d]**

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

9.13 Amnesty International noted in its report *"As If Hell Fell On Me"...* that:

"Taleban and allied armed groups have systematically and widely engaged in human rights abuses in FATA and neighbouring areas of northwest Pakistan. But many civilians from these areas told Amnesty International that they had no less fear of military operations, as was demonstrated in Malakand when more than two million people fled their homes at the onset of military operations in April 2009 or again in South Waziristan in October 2009, where 200,000 people fled as the army moved in. Many residents blamed the Taleban for placing military forces within civilian areas, raising the likelihood of harm to civilians during operations. But government forces are also culpable of systematic and widespread human rights violations in FATA and NWFP, both in the course of military operations and by subjecting suspected insurgents to arbitrary arrest, enforced disappearance and apparent extrajudicial execution." **[13e] (p49)**

Arbitrary arrest and detention

9.14 The USSD Report 2009 observed:

"Authorities frequently issued FIRs [First Information Reports] without supporting evidence to harass or intimidate detainees, or 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 individuals to compel suspects to surrender.

"Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. 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 the law provides." **[3b] (Section 1d)**

Torture

9.15 The USSD Report 2009 cited that:

"The law prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in anti-terrorism courts. During the year the NGO SHARP [Society for Human Rights and Prisoners' Aid] reported 2,300 cases of torture by police, most of which occurred in Punjab. Observers noted that underreporting of torture was prevalent in the NWFP and Balochistan. 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. **[3b] (Section 1b)**

9.16 The Asian Human Rights Commission noted in its report *The State of Human Rights in Ten Asian Nations – 2009* (AHRC Report 2009), published July 2010, that:

"No serious effort has been initiated towards the elimination of torture which has become endemic in the country. Civil society organisations in Pakistan have reported an estimated 1300 cases of torture in the last year, and new cases continue to be added to this number. Although Pakistan has signed the Convention against Torture (CAT) on April 17, 2008, no discussions concerning the instrument's ratification or implementation in law have been conducted in the country, notably by the Parliament." **[52a (p198)**

9.17 The same source added:

"Pakistan does not have any specific law relating to torture, although Article 14 (2) of the Constitution expressly prohibits the use of torture for extracting evidence. Domestic jurisprudence concerning the use of torture is minimal. Victims have the burden of proof, and there are no independent investigating agencies that are empowered to inquire into complaints of torture. Furthermore, claims for compensation for an act of torture are to be settled under Shari'ah law, which can be counter-productive and lead to further legal and rights abuses." **[52a (p199)**

9.18 The HRCP Report 2009 stated:

"The SC took suo motu notice of the appeal of the daughter of a Balochistan National Movement activist, Wahid Bakhsh, who had complained of torture in custody. On being produced in the court, Wahid Bakhsh declared that he had been kept in an Anti terrorist Force (ATF) torture cell where conditions of detention were worse than at the notorious Abu Gharaib jail in Iraq. The Chief Justice inquired whether these torture cells were run by the government and whether they existed across the country. The court was informed that the Balochistan Home Secretary had declared the ATF cell a sub-jail. At the same time, the court disposed of a suo motu notice regarding torture cells in

Islamabad when the Islamabad Police told the court that there was no torture cell under Islamabad police's control." **[27c] (p35)**

9.19 The AHRC Report 2009 stated "The AHRC has identified 52 such detention centres which are run by the military, where people that have been arrested and disappeared are typically detained incommunicado and tortured for several months to extract confession statements." **[52a (p199)**

9.20 The same report continued:

"The police are the main perpetrators of torture against ordinary citizens. The lack of police reform mechanisms has perpetuated the cycle of torture in Pakistan. Anyone who is arrested is likely to endure ill-treatment or torture. No police officer has ever been sufficiently punished for the act of torture, although in rare cases some have been suspended or transferred for committing torture in the rare cases that it has been proven. The absence of criminilisation of torture provides impunity to the police and engenders further abuse." **[52a (p199)**

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Extra-judicial killings

9.21 The USSD Report 2009 noted:

"Reports of arbitrary or unlawful killings by government agents and politically motivated killings by independent actors continued during the year, as did arbitrary or unlawful killings of civilians in conflict.

"Some targeted killings of individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. During the year the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 72 civilian deaths after encounters with police and 168 deaths in jails, an increase from the previous year. The police stated that these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Although the government investigated, and sometimes convicted, police officials for extrajudicial killings, lengthy trial delays and failures to discipline and consistently prosecute those responsible for abuses contributed to a culture of impunity." **[3b] (Section 1a)**

9.22 The HRCP Report 2009 noted that "During the security forces offensive against the militants in Swat, HRCP received several complaints of human rights violations, revenge killings and extra-judicial killings allegedly carried out by security forces. The most harrowing reports were of bodies strewn upside down with notes attached to them warning that anyone supporting the Taliban would meet the same fate." **[27c] (p60-61)**

9.23 In its report *"As If Hell Fell On Me"*..., Amnesty International noted:

"Shortly after internally displaced persons started returning to Malakand in mid-July in 2009 after the army regained control of most of this area, some 251 bodies of suspected militants were reportedly found in Swat,190 some hanging from poles with written notes attached to their bodies warning anyone supporting the Taleban of the

same fate, some with torture marks and some with limbs tied together and bullet wounds in neck or head. The exact number of such killings, as well as the exact circumstances of most individual cases, is impossible to ascertain as the access of journalists and human rights activists is restricted. The HRCP said that in addition, at least two mass graves were found, including at least one in Kukarai village in Babozai tehsil and another in an area between Dewlai and Shah Dheri in Kabal tehsil. The HRCP said that witnesses to mass burials said at least in some cases the bodies appeared to be those of Taleban militants." **[13e] (p63-64)**

9.24 The HRCP Report 2009 noted:

"Extra-legal killings, mostly in the so-called police encounters, again became a major cause of concern to the people in 2009. The Punjab police chief said 253 gangsters were killed in encounters with the police in the province. He said all the 307 encounters were genuine except one which aroused suspicion and was under investigation. He said 28 policemen were killed in the crossfire with the gangsters while 102 other policemen were wounded. Out of the 226 encounter killings recorded at HRCP, 181 took place in Punjab, 31 in Sindh, 13 in NWFP and one in Balochistan. The Sabzazar colony in Lahore led the police stations with 6 killings." **[27c] (p77)**

The report provided a chronology of police encounters during 2009.

Disappearances

9.25 The USSD Report 2009 noted:

"During the year politically motivated disappearances continued, and police and security forces held prisoners incommunicado and refused to disclose their location. SHARP reported that security forces were holding hundreds of individuals incommunicado. On August 21, Federal Minister of Interior Rehman Malik informed the media that approximately 1,291 individuals were missing in the country. According to the interior minister, a joint investigative team had been established to probe the issue. 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, children also disappeared with their relatives.

"Disappearances of the Baloch people remained a problem during the year, with Baloch political groups demanding greater political and human rights. In December the Balochistan home department issued a list of 992 persons from the province who had been missing for several years. The HRCP reported 30 new cases of 'forced disappearances' from Balochistan during the year..." **[3b] (Section 1b)**

9.26 Amnesty International noted in its report *"As If Hell Fell On Me"*... that:

"As documented by Amnesty International in reports in 2006 and 2008, Pakistan's security agencies detained many people detained on suspicion of cooperating with insurgent groups or acts of 'terrorism' and held them in secret places of detention, by agencies not lawfully authorized to detain them, and interrogated and subjected them to ill-treatment. Hundreds were transferred into US custody and removed from Pakistan without due process in exchange for financial rewards, circumventing Pakistan's own extradition law. The special status of FATA was exploited in that secretly detained suspects originally detained in other parts of Pakistan were transferred to this area

which is effectively beyond the reach of the ordinary courts which hear habeas corpus petitions on behalf of those who have disappeared." **[13e] (p50)**

9.27 The HRCP Report 2009 noted "Involuntary disappearances have been a grave and recurring violation of human rights in Pakistan in recent years, notably since the beginning of the so-called war on terror. Since then the practice has picked up at some times and ebbed at others. The issue remained an explosive one in Pakistan in 2009, especially in Balochistan where more persons have gone missing than in any other part of Pakistan." **[27c] (p104)**

9.28 The same source added:

"In April, former president Pervez Musharraf denied the role of state agencies in enforced disappearances. In an interview with Al-Jazeera, Musharraf claimed that most of the 'disappeared' persons had gone missing on their own as they wanted to join jihad. The Human Rights Commission of Pakistan rejected the claim as 'absolutely untenable' and drew attention to state agencies' well documented role in the illegal practice of enforced disappearance and numerous accounts of those who had regained freedom after being missing for various periods. Meanwhile, the HRCP continued to receive fresh complaints of disappearance throughout the year..." **[27c] (p105)**

9.29 The HRCP Report 2009 stated "Hearing the case of missing persons for the first time since his reinstatement, Justice Javed Iqbal commented that the relatives of missing persons were moving from pillar to post but no one was paying any heed to their plight. Taking notice of a report by the Interior Ministry that 241 missing persons had been traced while 125 were still missing, the Supreme Court directed the Interior Secretary to strive hard to trace Masood Janjua and other missing persons as early as possible." **[27c] (p34)**

See also section on Judiciary

AVENUES OF COMPLAINT

9.30 The USSD Report 2009 cited that "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 to avenge personal grievances. Critics charged that the appointment of station house officers had become politicized." **[3b] (Section 1d)**

See also National Accountability Bureau (NAB)

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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." **[33]**

10.02 The CIA World Factbook, last updated 19 August 2010, stated that soldiers could not be sent into combat until they were 18 years of age. **[4] (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 US Department of State's *International Religious Freedom Report* 2010 (USSD IRF Report 2010), published 17 November 2010, 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." **[3l] (Section II)**

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11. JUDICIARY

ORGANISATION

11.01 The Central Intelligence Agency (CIA) World Factbook, updated on 19 August 2010, 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." **[4] (Government: Legal system)**

11.02 The US Department of State (USSD) Background Note on Pakistan, updated 21 July 2010, 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. With the 18th Amendment now in place, the president names the most senior Supreme Court justice to be chief justice; also, the courts' and Parliament's influence are increased through a new judicial commission to oversee judges' 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." **[3a] (Government and Political Organization)**

11.03 The Pakistani government website, accessed 2 December 2010, stated 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 sentice [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 Juges [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 [Rupees].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 extention [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))**

11.08 The USSD Report 2009 noted:

"Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. These problems undermined the right to effective remedy and the right to a fair and public hearing.

"There are several court systems with overlapping and sometimes competing jurisdictions: criminal; civil and personal status; terrorism; commercial; family; military; and Shariat. The Federal Shariat Court, according to Article 203 of the constitution, is an appellate court that can examine and decide whether any law is repugnant to the teachings of Islam. The passage of the Women's Protection Act does not negate the possibility of the Federal Shariat Court hearing appeals in certain cases. The Federal Shariat Court could hear appeals of cases 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." **[3b] (Section 1e)**

See also Constitution

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Shariat Courts (Islamic law)

11.09 The USSD Report 2009 noted that:

"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 has ruled that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, 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 it judges inconsistent with Islamic tenets, but such cases are appealed to the Shari'a bench of the Supreme Court and ultimately may be heard by the full Supreme Court.

"The Provincially Administered Tribal Areas (PATA) of the NWFP [North West Frontier Province], which include parts of the former princely states of Swat, Dir, and Chitral, fall under Shari'a law. Under its provisions, judges, known as qazis, are assisted by religious scholars. On February 15, the government extended this provision to the entire Malakand Division." **[3b] (Section 1e)**

11.10 The US Department of State Report on *International Religious Freedom 2010* for Pakistan (USSD IRF Report 2010), published 17 November 2010, 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 Shariat Court and the Shari'a bench of the Supreme Court served 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. A 2005 Supreme Court ruling allows the full Supreme Court to bypass the Shari'a bench and assume

jurisdiction in such appellate cases in its own right and prohibits the Federal Shariat Court from reviewing decisions of the provincial high courts. The Federal Shariat Court may overturn legislation it judges inconsistent with Islamic tenets, but such cases can be appealed to the Shari'a bench of the Supreme Court and ultimately may be heard by the full Supreme Court. The Federal Shariat Court applies to Muslims and non-Muslims, such as in cases relating to Hudood laws. Non-Muslims were allowed to consult the Federal Shariat Court in matters which affected them or violated their rights." **[3l] (Section II)**

11.11 The Human Rights Commission of Pakistan report the *State of Human Rights in 2009* (HRCP Report 2009), published July 2010, noted:

"Following the peace deal signed by the provincial government and Tehrik Nifaz-e-Shariat-e-Muhammadi as a way to end militancy in the Malakand division, including Swat, the President on April 14 [2009] approved the controversial Nizam-e-Adl Regulation for the enforcement of shariah in the region. The presidential action came in the wake of a resolution adopted by the National Assembly endorsing the regulation. On April 15, the NWFP governor promulgated the Nizam-e-Adl Regulation 2009 providing for the establishment of Qazi courts and restoration of executive magistracy in Malakand and Kohistan. The Regulation envisaged two appellate forums; Darul-Darul Qaza and Darul Qaza equivalent to the Supreme Court and a High Court respectively. Subsequently, two judges of the Peshawar High Court were nominated to serve on Darul Qaza in the Malakand division. Courts in Swat stopped functioning on 18 May after Tehrik Nifaz-e-Shariat -Muhammadi chief Maulana Sufi Muhammad said these courts were against Islam and a violation of the agreement signed by the provincial government. Consequently, 16 judicial officers and district and sessions judges and civil judges did not hold their courts and instead seven qazis, appointed on the directive of Maulana Sufi Muhammad, heard cases. Later on, because of the continued activities of the militants in the region the government started military operations in Swat and cleared it of all elements challenging the writ of the state. However, the NWFP Chief Minister told the Press on December 22, that the lower courts in Malakand were working according to Shariah and Nizam-e-Adl was be going to fully implemented [sic] in the division at all costs." **[27c] (p38)**

11.12 Reporting on the Nizam-e-Adl Regulation (NAR – Islamic law), the USSD IRF Report 2010 noted that "The NAR has been inoperative since the start of military operations in April 2009." **[3l] (Section II)** In a letter dated 29 November 2010, a Foreign and Commonwealth Office (FCO) official at the British High Commission, Islamabad noted that "The Nizam-e-Adl Regulation 2009 is still in force in the Malakand Division." **[11m]**

11.13 The UN Committee on the Rights of the Child noted in its concluding observations to reports submitted by Pakistan with regards to the UN Convention on the Rights of the Child (UNCRC), dated 19 October 2009, that it was:

"...concerned that the revocation of all laws, instruments, customs or usages in large areas of NWFP and the imposition of sharia law, as set out in the Sharia Nizam-e-Adl Regulation of 2009, does not provide adequate guarantee for the implementation of the Convention. It is also concerned that some existing laws and regulations remain in conflict with principles and provisions of the Convention, in particular:

"(a) The Frontier Crimes Regulation of 1901 which remains in force in the Federally Administered Tribal Areas; and

"(b) The Zina and Hadood Ordinances, despite their revision through the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2006." **[79c] (paragraph 10)**

See also subsections on Hudood Ordinances and Qisas and Diyat Ordinances

Anti-Terrorism Act and Courts

11.14 The USSD Report 2009 noted that:

"The Anti-Terrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts were to be decided within seven working days, but judges were free to extend the period. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation." **[3b] (Section 1e)**

11.15 The same source 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." **[3b] (Section 1d)** The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, noted that "Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights." **[5a]**

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Military Courts and the Army Act

11.16 In Human Rights Watch'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.'" **[7b]**

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." **[7b] (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]**

Federally Administered Tribal Areas (FATA)

11.19 The USSD Report 2009 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 expressed concern about the concept of collective responsibility, as authorities used it as a pretense 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.

"Religious extremists and militants maintained parallel administrations, including justice administrations, in parts of FATA and Malakand Division under their control during the

year. The militants' justice administrations administered public punishments including floggings and executions." **[3b] (Section 1e)**

11.20 Amnesty International noted in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that:

"The FCR, which does not provide legal guarantees for human rights in FATA and indeed effectively codifies authority for a range of human rights violations, is part of a tapestry of an antiquated and draconian system of limited government with little or no recognition of or respect for human rights, the rule of law, due process, political representation, or democratic institutions. Despite numerous recent promises by Pakistan's government to reform the FCR and improve the legal situation of the people of FATA and NWFP governed by this law, as of May 2010, the FCR continued to relegate millions of people in northwest Pakistan to second-class legal status." **[13e] (p26)**

11.21 The same source added:

"Though Part II of the Constitution of Pakistan of 1973 lists a range of 'fundamental rights', Part XII explicitly excludes most or all of the legal, judicial and parliamentary system of Pakistan from FATA; articles 247(3) of the Constitution explicitly excludes FATA from all acts of the Pakistani parliament and Supreme Court, respectively. Instead these areas are effectively placed under the direct executive control of the President of Pakistan, while the Governor of the NWFP acts as the President's representative. The President may make 'regulations' with respect to 'the peace and good governance' of FATA and specify which laws are or are not to be extended to FATA. Adult franchise was introduced in FATA in 1996; FATA representatives were elected on a non-party basis not to any FATA parliamentary body but to the National Assembly where they cannot exercise any legislative powers with regard to FATA. Interestingly, the President of Pakistan has the authority under the Constitution (article 247(6)) to end at any time the applicability of the FCR to any agency after consultation with a tribal jirga.

"Under the FCR, the federal government – effectively, the President of Pakistan – appoints a Political Agent (PA) for each FATA agency who exercises extensive administrative, judicial and executive powers. In exercise of his judicial powers under the FCR, on vaguely-defined grounds he can order that individuals or entire communities be detained without trial for years at a time, seize their property, and impose fines, all without any requirement of ordinary criminal trial. Except in the case of procedural flaws, his decision is final: the FCR precludes appeal to any court outside FATA, as the jurisdiction of Pakistan's higher judiciary is explicitly barred under Article 247(7) of the Pakistani constitution. Under Chapter III of the FCR, the PA may consult a Council of Elders (in practice a tribal jirga) to resolve disputes, including in criminal cases; such jirgas are traditionally made up of at least three maliks, all men appointed and dismissed by the PA on his subjective estimation as to whether the individual concerned adequately serves the interests of the region" **[13e] (p26-27)**

See also subsection Shariat Courts (Islamic law) and Section: Security situation

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Tribal Justice System

11.22 The USSD Report 2009 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. The traditional settling of family feuds in tribal areas, particularly those involving murder, could result in giving daughters of the accused in marriage to the bereaved." **[3b] (Section 1e)**

11.23 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." **[71c] (p36)**

11.24 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)**

11.25 In its report, *Pakistan: The tribal justice system*, dated 30 July 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." **[13b] (p7, The jirga or faislo or panchayat system)**

11.26 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..." **[13b] (p6, The process of jirga)**

11.27 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." **[13b] (p6, The process of jirga)**

11.28 The USSD Report 2009 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 briefly in Swat and dispensing quick justice with little due process or transparency in their deliberations… Although the superior courts have declared these rulings illegal, the AHRC reports that some of those involved in implementing jirgas sit in parliament." **[3b] (Section 1e)**

11.29 Amnesty International noted in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that:

"Some of the 'tribunals' established by the Taleban in FATA were mobile while others permanent. Cases were often adjudicated by two qazis, or judges, appointed by the

Taleban who were supposed to be learned scholars in Shari' a. In reality, locals questioned the knowledge of the qazis; in any case, their 'trial' procedures and methods of punishment were lacking in any legal basis, were arbitrary, discriminatory, and unfair, and clear abuse of the internationally-recognised human rights of those brought before them." **[13e] (p43)**

11.30 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 Women: Honour killings

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INDEPENDENCE

11.31 The USSD Report 2009 cited that:

"The law provides for an independent judiciary; in practice, the judiciary was subject to external influences, such as street protests, at the local level. In nonpolitical cases, the media and the public generally considered the high courts and Supreme Court credible. In March in the wake of large-scale demonstrations from the Lawyers Movement and pressure from the opposition PML-N [Pakistan Muslim League – Nawaz] party, Prime Minister Gilani reinstated Iftikhar Chaudhry as Supreme Court Chief Justice. Gilani also reinstated 10 other judges to the Supreme Court and provincial High Courts. In doing so the prime minister restored all judges ousted by then president Musharraf in 2007 who had not yet reached retirement age. Chief Justice Chaudhry forced the resignation of all Supreme and High Court judges who had taken oath under Musharraf's Provisional Constitutional Order in 2007. The newly restored superior judiciary is independent of executive branch influence but appears to be politicized in favor of the opposition based on its rulings in high-profile cases." **[3b] (Section 1e)**

11.32 The Human Rights Commission of Pakistan stated in its report, *State of Human Rights in 2009*, published February 2010, that:

"In 2009, the Supreme Court took suo motu notice in scores of cases of human rights violations and numerous financial scams. A positive aspect of the judicial activism was that victims of human rights violations increasingly turned to the superior courts for the redress of their grievances against the high-handedness of the executive or influential people, and in several cases, they actually got relief. Seeing an active judiciary taking notice on media reports, media also highlighted incidents of alleged human rights violations, such as torture against women and children, - a trend that was quite helpful in raising mass awareness on these issues which traditionally had been ignored. In 2009, the district courts also provided relief to thousands of people by recovering and

freeing bonded labourers at farms and brick kilns in Sindh, Punjab and NWFP. The role of the district and sessions courts in freeing bonded labour, using their delegated powers to hear habeas corpus cases, suggests that if the jurisdiction of the district courts is further expanded regarding the incidents of human rights violations, it will benefit the marginalised sections of the society. While the Supreme Court asserted its independence through the use of public interest litigation and by taking suo motu notice of issues of public importance, several of these initiatives were criticised either in terms of the process that was adopted or because of selective use of these extraordinary powers or because the Supreme Court was seen as extending its jurisdiction to the extent of encroaching into the legislative and executive domains." **[27c] (p29)**

FAIR TRIAL

11.33 The USSD Report 2009 cited that:

"The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Defendants have the right to be present and to consult with an attorney. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in session and appellate courts. Defendants can confront or question witnesses against them and present witnesses/evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, 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 starts over when an attorney changes." **[3b] (Section**

11.34 The same source added:

"Persons may petition high courts to seek redress for human rights violations, and courts often take such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported civil courts seldom if ever issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common." **[3b] (Section 1e)**

11.35 The HRCP Report 2009 stated:

"In May, the Supreme Court announced the new National Judicial Policy, aimed at ensuring speedy justice and eliminating corruption from the judiciary. The policy mandated a three-month timeframe for deciding criminal cases, while cases attracting the death penalty were to be resolved in six months. At the time, 19,055 cases were pending in the Supreme Court, 2,092 in the Federal Shariat Court, 84,704 in the Lahore High Court, 18,571 in the Sindh High Court, 10,363 in the Peshawar High Court and 4,160 in the Balochistan High Court. As many as 1,565,926 cases were pending before the subordinate judiciary in the four provinces." **[27c] (p98)**

11.36 The Freedom House *Freedom in the World Pakistan 2010* report noted that "Lower courts remain plagued by corruption, intimidation, and a backlog of some 1.5 million cases that leads to lengthy pretrial detentions. A new National Judicial Policy that took effect in June 2009 aims to tackle all three problems." **[5a]**

11.37 With regard to cases dealt with by the National Accountability Bureau (NAB), the USSD Report 2009 observed that "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. The NAB did not prosecute serving members of the military or judiciary. During the year the government removed NAB's authority to prosecute politicians on new charges. Accountability courts may not grant bail; the NAB chairman has sole power to decide whether and when to release detainees." **[3b] (Section 1d)**

See also Corruption

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Double jeopardy

11.38 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 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 pendancy [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]**

11.39 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]**

PENAL CODE

11.40 For full text and recent amendments see the Pakistan Penal Code (Act XLV of 1860) **[21a]**

Qisas and Diyat Ordinances

11.41 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." **[3h] (Section II)**

11.42 The USSD Report 2009 observed 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... Because honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment." **[3b] (Section 1e)**

11.43 The USSD IRF Report 2010 stated "Religious minorities claimed that the amounts of monetary restitution were far higher for minority offenders and far lower for minority victims than for Muslims." **[3l] (Section II)**

See also above sub-sections Shariat Courts (Islamic law) and Tribal Justice System

Blasphemy Laws

11.44 The US Department of State *International Religious Freedom Report 2010* (USSD IRF Report 2010) observed that "Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code. The consequences for contravening the country's blasphemy laws were 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'." **[3l] (Section II)**

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

Hudood Ordinances

11.45 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]**

11.46 The Freedom House *Freedom in the World Pakistan 2010* report noted that "The Sharia court enforces the 1979 Hudood Ordinances, which criminalize extramarital sex and several alcohol, gambling, and property offenses. They 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." **[5a]**

11.47 The USSD Report 2009 noted that "Before the 2006 Women's Protection Act, the Hudood Ordinances allowed 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." **[3b] (Section 1c)**

11.48 The United States Commission on International Religious Freedom cited in its *2010 Annual Report* (USCIRF Report 2010), published May 2010, that:

"In a positive development correcting one of the most heavily criticized aspects of these ordinances, in December 2006 then-President Musharraf signed into law a bill curtailing the scope of the Hudood Ordinances regarding rape charges. The new law removed the crime of rape from the sphere of the Hudood laws and put it under the penal code, thereby doing away with the requirement that a rape victim produce four male witnesses to prove the crime. Under the new legislation, convictions for rape must be based on forensic and circumstantial evidence. This change followed another amendment to the Ordinances enacted in July 2006 allowing women convicted of purported sexual transgressions to be released on bail rather than having to remain in prison – sometimes for lengthy periods – waiting for their cases to come to trial." **[53a] (p96)**

11.49 The US Department of State *Country Report on Human Rights Practices 2006*, Pakistan, published February 2007, 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." **[3g] (Section 1e)**

11.50 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." **[27a] (p73, Freedom of thought, conscience and religion)**

11.51 The US Department of State Country Report on Human Rights Practices 2008, Pakistan, 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." **[3k] (Section1d)**

11.52 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." **[3c] (Section II)**

See also Section: Freedom of Religion: Hudood Ordinances, and Section: Women: Women's Protection Act

CODE OF CRIMINAL PROCEDURE

11.53 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]**

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The United States Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, stated that:

"A First Information Report (FIR) is the legal basis for any arrest. Police may initiate FIRs when complainants offer reasonable proof 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 authorities did not observe fully these limits on detention. Authorities frequently issued FIRs without supporting evidence to harass or intimidate detainees, or 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 individuals to compel suspects to surrender.

"Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. 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 the law provides.

"Courts appointed attorneys for indigents only in capital cases. Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison visits.

"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 allegedly 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. During the year the NAB rarely exercised this power.

"The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood Ordinances 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 or the community, or upon payment of bribes. In many cases trials did not start until approximately 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 with which they were charged. SHARP [Society for Human Rights and Prisoners' Aid] estimated that approximately 55 percent of the prison population was awaiting trial." **[3b] (Section 1d)**

12.02 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights 2009* (HRCP Report 2009), published February 2010, that:

"The Supreme Court (CJ [Chief Justice] and five judges) ruled that the prison term of a convict who was allowed the benefit of section 382-B CrPC [Criminal Code of

Procedure 382B - Period of detention to be considered while awarding sentence of imprisonment] should be counted from his day of arrest and not from the date of conviction. The court observed that the pre-sentence period a convict spent in prison should not go unaccounted for. It ruled that refusal to allow remission of pre-sentence custody period to a convict, whom the court had granted the benefit of section 382-B CrPC, was tantamount to deprivation of his liberty within the contemplation of the constitution." **[27c] (p41)**

12.03 The same source reported on the large number of under-trial prisoners (UTPs) who remained in detention without their cases being heard in court. In Punjab province 38,776 UTPs remained in prison, 12,673 UTPs in Sindh, 1,139 in Khyber Pakhtunkhwa and 4,968 in Balochistan. **[27c] (p97)**

12.04 The USSD Report 2009 noted:

"Special rules apply to cases brought by the NAB 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. The NAB did not prosecute serving members of the military or judiciary. During the year the government removed NAB's authority to prosecute politicians on new charges.

"Accountability courts may not grant bail; the NAB chairman has sole power to decide whether and when to release detainees. Accountability courts were established under the NAB Ordinance 1999 to consider corruption cases. Twenty-one accountability courts work under the administrative and operational control of high courts and independently of NAB. 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." **[3b] (Section 1d)**

See Sections: Security forces: Police: Arbitrary Arrest and Detention; Judiciary: Anti-Terrorist Act and Courts; Independence and Fair Trial; Religious Freedom: Legal procedure for blasphemy charges; and 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 Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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 Prisoners' Aid], more than 95,000 prisoners occupied 72 jails originally built to hold approximately 36,000 persons." **[3b] (Section 1c)**

13.02 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"Facilities for prisoners remained abysmal throughout the year with frequent reports of poor conditions of detention, denial of proper healthcare and facilities to contact and meet families, and officials routinely assaulting prisoners across the country. Overcrowding in the prisons remained as grave as ever, with dozens being lodged in cells designed for four to six prisoners and the police often failing to produce the under-trial prisoners before a court. The situation was worse for imprisoned women, children, members of religious minorities and those facing charges of blasphemy. Some initiatives were taken by the government, including the introduction of the National Judicial Policy, to ensure swift trials, but conclusive evidence of any positive outcome was not visible by the end of the year." **(p87-88)** "Hospitals and healthcare facilities at the prisons were generally improperly equipped and medicines were in short supply." **[27c] (p92)**

See also sections on Women, Children and Freedom of Religion

13.03 The HRCP Report 2009 provided a breakdown of the numbers of prisons in each province, their capacity, and the actual number of detainees:

	Prisons	Capacity	Prisoners
Punjab	32	21,500	56,030
Sindh	22	10,000	15,000
Khyber-Pakhtunkhwa	22	7,980	7,445
Balochistan	10	2,020	2,934

[27c] (p91)

13.04 The USSD Report 2009 noted that:

"There were various reports of prison riots during the year. *The News* quoted jail officials who stated that more than 20 riots had occurred during the year in Sindh. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities.

"At year's end [2009] the Sindh attorney general had not followed up on his commitment to initiate an investigation into the October 2008 police abuse of prisoners in Hyderabad Central Jail following a prisoner riot over lack of basic facilities and alleged 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." **[3b] (Section 1c)**

13.05 The HRCP Report 2009 noted "Poor living conditions caused by overcrowding, denial of rights, and delay in determination of pending cases regularly led to rioting by detainees." **[27c] (p93)** The HRCP recorded a number of riots that had occurred in various prisons across the country during 2009.

13.06 The USSD Report 2009 noted that:

"The International Committee of the Red Cross (ICRC) had an agreement with authorities to allow independent visits to prisons throughout the country, but this understanding was only partially honored. The ICRC had access to the Peshawar Central Prison, where it initiated a water-sanitation improvement project. ICRC visits were not permitted to some detention sites in the NWFP [North West Frontier Province] and Balochistan. The ICRC suspended prison visits in Punjab in 2008, as its inspectors were not provided access to prisoners detained on certain security-related charges.

Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates, but visits of prison conditions for male inmates, whose conditions were poorest, took place rarely and on an ad hoc basis." **[3b] (Section 1c)**

13.07 The US Department of State *International Religious Freedom Report 2010* (USSD IRF Report 2010) cited that, at times, religious minorities were reportedly abused by law enforcement personnel whilst in their custody. Furthermore:

"Police reportedly tortured and mistreated those in custody on religious charges and were accused of at least one extrajudicial killing in a blasphemy case. For example, on September 16, 2009, a young Christian man, Robert Fanish, who had been accused of blasphemy, died while in police custody. The case prompted widespread media attention, and several human rights groups asserted that he had been killed extrajudicially. Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates." **[3l] (Section II: Abuses of Religious Freedom)**

13.08 The HRCP Report 2009 recorded that "A high mortality rate among prisoners was reported in 2009 too, on account of alleged torture by prison staff, state's inability to protect the detainees or lack of healthcare. As many as 54 prisoners died or were killed and 156 injured in the country's prisons during 2009." **[27c] (p101)**

13.09 Regarding religious freedom in prison, the HRCP Report 2009 stated that:

"During the visits, the HRCP teams found that Muslim prisoners were generally facilitated with regard to their religious practices. It was learned that there are 25 mosques at Karachi Central Prison. Though non-Muslim prisoners were generally allowed worship in accordance with their religious beliefs there was no specific place of worship for them at any of the prisons visited. Jails authorities had no provision or instructions to cater to dietary needs of religious minorities." However, the HRCP reported that some prison staff catered to prisoners needs out of goodwill. **[27c] (p92)**

13.10 The same report noted that "In January, Adiala jail became the first prison in the country to have a church on its premises. The jail authorities had provided land for the church and the local Christian community provided the Rs [Rupees] 1.2 million needed for constructing the building for around 250 Christian prisoners in the jail." **[27c] (p99)**

See also Section: Christians

13.11 The HRCP Report 2009 also noted:

"A ruling by the Federal Shariat Court (FSC) in August, recognising the fundamental rights of prisoners, raised hopes for an improvement in the appalling conditions in Pakistani jails. The verdict came on petitions first submitted in 1992 that challenged various provisions of prison laws for being against Islamic injunctions.

"The court held that all prisoners were entitled to receive spouses and exercise their conjugal rights in jails across the country, adding that a prisoner convicted for terms exceeding five years should be allowed to keep his or her spouse and children aged less than six at special facilities within the jail or be released on short parole to visit his family. 'Denial of conjugal rights or sex deprivation to married prisoners always gives

rise to sexual abuse of fellow inmates or drug addiction,' the court said in its 290-page judgement...

"Provincial prisons ministers said the government was making arrangements for providing time and space to prisoners to exercise their conjugal rights in prisons." **[27c] (p100-101)**

For information on prison conditions for children see: Children, subsection Judicial and penal rights

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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 18 November 2010) **[13c]**, 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) **[7d] (p16)** The US Department of State *Country Report on Human Rights Practices 2009, Pakistan*, (USSD Report 2009), published 11 March 2010, added "The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad." **[3b] (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 USSD Report 2009 stated:

"In May 2008 the government announced it had imposed a moratorium on the death penalty, although the moratorium was not enforced in practice. In March 2008 the HRCP [Human Rights Commission of Pakistan] had noted there was 'strong evidence' that the death penalty was applied without regard to due process, and SHARP [Society for Human Rights and Prisoners Aid] reported that there were an estimated 7,000 inmates on death row. In August President Zardari issued a decree making 'Internet crimes' punishable by execution or life imprisonment if they caused the death of a person; the decree raised the total number of capital offenses to 28." **[3b] (Section**

14.03 Amnesty International noted in its annual *Report 2010*, published 28 May 2010, that:

"The Human Rights Commission of Pakistan recorded 276 new death sentences, with 7,700 people remaining under sentence of death. No executions were carried out. Promises made in 2008 to commute all death sentences to life imprisonment remained unfulfilled. In September, President Zardari called on provincial governments to submit recommendations on commuting the death penalty to prison terms of 24 to 30 years. On 31 August, the Supreme Court suspended an order passed by the Lahore High Court in April under which death sentences would not be imposed on women and juveniles in narcotics cases." **[13d] (p253, Death penalty)**

14.04 However, reporting on 23 November 2010, Human Rights Watch stated that on 8 November 2010, the death penalty was imposed on a Christian woman after she was charged under the blasphemy law in June 2009 following an altercation with fellow farm workers. The report noted "She is the first woman in Pakistan's history to be sentenced to death for blasphemy, though others have been charged and given lesser sentences." **[7g]**

14.05 With regards to the sentencing of the Christian mother of four, Asia Bibi, President Zardari was barred from pardoning her as the court was already hearing an appeal against her sentence. (*The Guardian*, 29 November 2010) **[92a]**

See also Freedom of Religion: Christians

14.06 Regarding the commution of the death penalty, Human Rights Watch recorded in its *World Report 2010* (HRW Report 2010) that "Pakistan's prime minister announced in June 2008 that more than 7,000 inmates on death row in Pakistan would have their sentences commuted. To date, there has been no movement on the commutations. However, while at least 15 executions took place in Pakistan in 2008, none have been reported in the country in 2009." **[7a] (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)**

14.07 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"On April 21, the Shariat Appellate Bench of the Supreme Court rejected an appeal against the Federal Shariat Court [FSC] judgement that had held that death was the only punishment for blasphemy. The appeal had been filed 18 years earlier. The Shariat Appellate bench of the Supreme Court upheld the FSC verdict to the effect that in Hudood cases the President/Governor had no authority to commute or cancel sentences and dismissed Federation's 18-year old appal [sic]." **[27c] (p46)**

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

15.01 Jane's Sentinel Country Risk Assessments noted in its section on Internal Affairs for Pakistan, updated 2 December 2010, that "More than 120 political parties applied to the Election Commission of Pakistan (ECP) for allocation of election symbols in the elections of 2008 and 61 parties actually fielded candidates. However, only 10 parties succeeded in winning seats in the National Assembly." **[1a] (Political parties)**

15.02 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, noted that:

"The law provides the majority of citizens with the right to change their government, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, the FATA [Federally Administered Tribal Areas], and Azad Jammu and Kashmir were subject to unique systems. The president retained the power

to dissolve parliament, a power then president Musharraf arrogated to the presidency and codified in constitutional Article 58(2)b in 2002.

"Residents of Gilgit-Baltistan did not have representation in the national parliament. On September 7, President Zardari signed the Gilgit-Baltistan Empowerment and Self-Governance Order. Under the order the formerly named Northern Areas were afforded a number of attributes of a province and renamed Gilgit-Baltistan. The first elections were held in November for the 24-member Gilgit Baltistan Legislative Assembly, with the PPP [Pakistan People's Party] winning the majority vote. On December 11, the assembly elected Syed Mehdi Shah of the PPP as the first-ever chief minister of Gilgit-Baltistan, replacing direct rule by the federal government. The region has a Supreme Appellate Court headed by a chief judge, a public service commission, a chief election commissioner, and an auditor-general.

"Residents of the FATA were overrepresented in the national parliament but did 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 ran the tribal agencies. The elected councils in the 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. On August 13, President Zardari announced his intention to extend the act to the FATA; by year's end he had not signed the necessary order. Some political parties asserted that this prohibition on political party activity was void, because religious-based parties such as Jamiat Ulema-e-Islam and JI [Jamiat-e-Islami] openly campaigned in the FATA despite the law.

"Azad Jammu and Kashmir is subject to its own constitution that 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 [Human Rights Watch] report. Despite the existence of an elected parliament and executive for Azad Jammu and Kashmir, the federal government controlled significant decision making in the area, according to HRW's report. Under the Azad Jammu and Kashmir constitution, authority over 52 critical policy areas is ceded to the Azad Jammu and Kashmir Council in Islamabad, whose numerical composition favored the federal government. The federal government can dismiss arbitrarily the elected Azad Jammu and Kashmir legislative assembly." **[3b] (Section 3)**

15.03 The US Department of State's International Religious Freedom Report 2010 (USSD IRF Report 2010), published 17 November 2010, stated 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 were reserved seats for religious minority members in both the national and provincial assemblies. The seats were allocated to the political parties on a proportional basis determined by their overall representation in the assembly. The national assembly has 13 members of minority religious groups, 10 of whom hold reserved seats for minorities and three of whom hold reserved seats for women. As part of the 18th Amendment, the senate now has four reserved seats for religious minorities, one from each province. Reserved seats for minorities also existed in the provincial assemblies: three in Khyber-Pakhtunkhwa, eight in Punjab, nine in

Sindh, and three in Balochistan. Minorities were represented in the local government system with a minimum of one seat per zila, tehsil, and union council, as stipulated under the provincial Local Government Ordinances. In 2010 Balochistan passed the Local Government Act which, according to its language, implements a policy of religious minority representation based on population, with a minimum of two seats." **[3l] (Section II: Legal/Policy Framework)**

15.04 The USSD Report 2009 noted:

"On November 12, Gilgit Baltistan held its first election for a legislative assembly. The PPP won a majority. According to preliminary findings and a preelection analysis by the network of civil society organizations known as the Free and Fair Election Network (FAFEN), government interference, weak administration, procedural irregularities, and erroneous voter lists affected the election results. The HRCP [Human Rights Commission of Pakistan] observer mission reported that flaws caused by insufficient preparations marred the election. Although the election was relatively peaceful, several incidents of violence resulted in the deaths of two persons and injured at least 40.

"In February 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 2007. In the September 2008 indirect presidential election, Asif Ali Zardari, widower of Bhutto, became president succeeding Pervez Musharraf, who had resigned in August 2008. 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. The PML-N [Pakistan Muslim League – Nawaz] took control of the Punjab provincial assembly. The PML-N, originally the PPP's largest partner in the national government, withdrew from the coalition on August 25, 2008, ostensibly due to the 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 2008 parliamentary election 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, some Baloch parties, and several parties from the Muttahida Majlis-e-Amal coalition were among those that staged a boycott." **[3b] (Section 3)**

See Political system and Freedom of speech and media

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.05 The USSD Report 2009 noted that "The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law." **[3b] (Section 2b)**

15.06 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.

"In early March the government attempted to prevent planned demonstrations referred to as the 'Long March' by arresting a number of lawyers and politicians. The government also prohibited demonstrations and public gatherings throughout the country and blocked access to roads to Islamabad. On March 12, protesters largely abandoned marches departing from Quetta and Karachi when police blocked their access to roads leading from those cities to Punjab. On March 15, when protesters gathered in Lahore in the morning and early afternoon in defiance of government orders, police responded with tear gas and baton charges, injuring several hundred people. By mid-afternoon, PML-N leader Nawaz Sharif defied his house arrest, leaving his residence in Lahore to join protesters at the site of the demonstration. The government abandoned its effort to disperse crowds and allowed the demonstration to proceed unhindered and to begin to march to Islamabad. In the morning of March 16, the government yielded to the protesters' demands that Iftikhar Chaudhry be reinstated as chief justice of the Supreme Court, and the protesters abandoned their march. Police used preventive detention and excessive force against demonstrators, members of civil society, political activists, and lawyers during the Long March." **[3b] (Section 2b)**

15.07 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In 2009, the biggest threat to the citizens' right to freedom of assembly did not come from the state, as had been a usual feature in the country, it came from the non state extremist elements who attacked congregations with suicide bombers and remote controlled bombs. Yet the Pakistani state did commit serious violations of the citizens' right to assembly in Balochistan province where it used brute force to stop the Baloch people from organizing peaceful protest rallies. Not only the protesters were arrested for brief durations, many activists reportedly went missing afterwards, raising the fears of their enforced disappearance.

"In case of certain high-profile protest rallies that the government perceived as political threats, it resorted to abuse of section 144 and imposed restrictions on the right to assembly. The section was invoked in Peshawar, Islamabad and across Punjab to restrict the lawyers' long march for the restoration of the judiciary. The government abused the legal process by preventing people from exercising their democratic rights as there was no justification for imposition of section 144 and for the spate of arrests and harassment of lawyers, political workers and civil society activists." **[27c] (p154)**

15.08 On freedom of association, the USSD Report 2009 noted:

"The constitution provides for the right of association subject to restrictions by law. NGOs [Non-governmental organisations] are required to register with the government. According to the federal Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; due to the fragmented legal and regulatory framework, the exact number of NGOs was not known. No prominent NGO reported registration problems with the government during the year. Some continued to operate without registering and were not prosecuted. The NGO community continued to protest a voluntary code of conduct promulgated in 2007 by the Ministry of Social Welfare and Special Education. 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." **[3b] (Section 2b)**

15.09 The HRCP Report 2009 cited "In many parts of Pakistan, freedom of association remained under threat not only from the state but also from non-state actors, religious militants, political parties and radical nationalists. In Karachi, more than 290 people, mostly belonging to political parties, were killed during the year under review and most probably on account of their political associations." **[27c] (p163)**

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.10 The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, observed that:

"Although the 2008 parliamentary elections marked a distinct improvement over those held in 2002, they were not completely free and fair. The European Union observer mission noted the abuse of state resources and media, inaccuracies in the voter rolls, and rigging of the vote tallies in some areas. Opposition party workers faced police harassment, and more than 100 people were killed in political violence during the campaign period. Private media and civil society groups such as the Free and Fair Election Network (FAFEN) played a significant watchdog role, publicizing incidents of violence, noting numerous irregularities, and otherwise monitoring the conduct of the balloting alongside foreign observers. Despite the irregularities, the balloting led to an orderly rotation of power, and the overall result reflected the will of the people." **[5a]**

See also Section: Security Situation and Annex B: Political organisations

Politically motivated violence

15.11 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"The ruling coalition parties in Sindh were engaged in fighting each other in tit-for-tat killing in Karachi. Each political party harboured its own band of toughs [sic] and any attempt by the police to bring them to justice met stiff resistance from their political patrons. The city was flush with legal and illegal arms. Every MNA [Member of the National Assembley] was entitled to issue 25 licences per year for prohibited and 20 for non-prohibited weapons while MPAs [Member of the Provincial Assembley] were allowed five licences for prohibited bores a year.

"According to the Interior Minister, around 256 target killings took place in Karachi during 2009. Those killed included 69 people belonging to the MQM [Muttahida Qaumi Movement], 60 to the MQM (Haqiqi), 28 to the PPP [Pakistan People's Party], 23 to the ANP [Awami National Party] and other political parties and 41 people belonging to religious groups. However, the database maintained by HRCP gives a somewhat higher figure of target-killings in Karachi. As per HRCP database, a total of 747 persons were killed in Karachi during 2009. Out of these, 1,415 were men, 198 women and 134 children. Among these, 291 people became victims of target killing and 209 out of them were political workers." **[27c] (p66)**

15.12 The Economist Intelligence Unit (EIU) stated, in its November 2010 *Country Report on Pakistan,* that:

"Violence in Karachi, the capital of Sindh province and Pakistan's commercial capital, has escalated sharply in recent weeks. The surge in killings began in mid-October, ahead of a by-election to replace a member of the provincial assembly, Raza Haider, who was murdered in August. Nearly 100 people have been killed since then, mostly by gunmen opening fire on markets. Some estimates reported in local media suggest that around 1,300 people have been killed in the city in the first ten months of 2010. In the first half of 2010 there were around 300 targeted killings in Karachi.

"The violence stems from political considerations, as well as Karachi's fragile ethnic balance. In recent years perhaps as many as 3.5m Pashtuns have moved to the city, either for the economic opportunities available in Pakistan's commercial hub or to escape conflict in other areas of the country (such as the north-west, where the military has been engaged in counter-terrorism operations). The catastrophic flooding of August-September is likely to have encouraged further migration into Karachi, further upsetting the ethnic mix." **[75a] (The Political Scene)**

15.13 The EIU added that:

"The Pashtuns are mostly represented by the moderate Awami National Party (ANP). The Muttahida Quami Movement (MQM), a political party representing the Urdu-speaking descendants of refugees who left India at independence in 1947, governs the city. The MQM has long been accused of encouraging violence against Pashtuns to consolidate its grip on power in the city. Despite the increasingly strained relations between the ANP and the MQM as a result of the killings in Karachi, both parties are important allies of the Pakistan People's Party (PPP) in the Sindh provincial government and the federal parliament." **[75a] (Political Scene)**

15.14 The USSD Report 2009 also cited 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 Jamaat-e-Islami (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 influenced the hiring of staff, admissions to the universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect." **[3b] (Section 2a)**

See also Ethnic groups – Formation of the Mohajir Qaumi Movement (MQM)

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16. FREEDOM OF SPEECH AND MEDIA

16.01 Freedom House's Freedom of the Press report *Map of Press Freedom – Pakistan 2010*, published 1 October 2010, noted "Media freedom in Pakistan remained constrained by official attempts to restrict critical reporting and by the high level of violence against journalists. The constitution and other legislation, such as the Official Secrets Act, authorize the government to curb freedom of speech on subjects including the

constitution itself, the armed forces, the judiciary, and religion. Harsh blasphemy laws have occasionally been used to suppress the media." **[5e]**

16.02 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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 by monitoring political activity and controlling the media. Journalists and their families were arrested, beaten, and intimidated by militants and criminal elements, leading many to practice self-censorship." **[3b] (Section 2a)**

16.03 Freedom House ranked Pakistan 134 out of 196 countries in its *Freedom of the Press 2010 – Table of Global Press Freedom Rankings*, published 30 September 2010, covering 2009 events. **(Tables and Charts)** Freedom House rated Pakistan's press freedom status as "Not free" and stated that media freedom "... remained constrained by official attempts to restrict critical reporting and by the high level of violence against journalists." (*Map of Press Freedom – Pakistan 2010*) **[5d]** Reporters Without Borders ranked Pakistan 151 out of 178 countries in its Press Freedom Index 2010, stating that the low ranking was attributed to Islamist extremism. "Suicide bombings and abductions make working as a journalist an increasingly dangerous occupation in this area of South Asia." **[23a]**

16.04 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In the year under review [2009], independent and free media, on the one hand, faced threats from violent non-state actors, namely Taliban and their allied militant groups, and on the other hand, it was subjected to intimidation and restrictions by the powers that-be. In tribal areas in the northwest, where Taliban and Pakistani security forces were locked in an armed conflict, reporting facts accurately became much too hazardous for professional journalists. Similarly, in Balochistan, journalists faced restrictions on access to certain areas and on reporting independently because of unwritten restrictions and warning issued by the security establishment and militants." **[27c] (p141)**

16.05 The USSD *International Religious Freedom Report 2010* (USSD IRF Report 2010), published 17 November 2010, observed, in particular with regard to religion and the blasphemy laws, that:

"Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code. The consequences for contravening the country's blasphemy laws were 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 brought charges under these laws to settle personal scores or to intimidate vulnerable Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorism Act (ATA), any action, including speech, intended to incite religious hatred was punishable by up to seven years' imprisonment. In cases in which a minority group claimed its religious feelings were insulted, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system. A 2005 law required that a senior police official investigate any blasphemy charge before a complaint was filed. This law was not uniformly enforced." **[3l] (Section II: Legal Policy/Framework)**

16.06 The USSD Report 2009 added that "The Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. 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." **[3b] (Section 2a)**

16.07 The BBC News Country Profile: Pakistan, updated on 7 December 2010, 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 [International Telecommunications Union] 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." **[35c] (Media)**

16.08 The Committee to Protect Journalists (CPJ) reported in its *Attacks on the Press in 2009*, Pakistan, published 16 February 2010, that:

"The news media encountered growing interference from the government of President Asif Ali Zardari and Prime Minister Yusuf Raza Gilani. Several developments were worrisome. Minister for Information and Broadcasting Sherry Rehman, a former journalist, resigned in March after Zardari aides pressured cable carriers to remove or give less preferable placement to two prominent news channels, Geo and Aaj, noted for their critical coverage of the government." **[74a]**

16.09 The USSD Report 2009 noted:

"There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information (MOI) 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 media wing, Inter Services Public Relations (ISPR), as well as two sections to monitor the media. There were no newspapers published in the FATA [Federally Administered Tribal Areas]. 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.

"In August the *Daily Asaap*, the most widely circulated Urdu-language newspaper in Balochistan Province, suspended publication, citing harassment from security forces. Two other newspapers in Balochistan, *Daily Balochistan Express* and *Daily Azadi*, also reported harassment by security forces. At year's end the *Daily Asaap* remained closed.

"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...

"Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. In November, eight television channels, including KTN [Kawish Television Network], Samaa, DawnNews, Dunya, Express News Geo, and Aaj TV, voluntarily developed and agreed to guidelines governing coverage of terrorist attacks.

"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." **[3b] (Section 2a)**

16.10 The USSD IRF Report 2010 added "The government does not restrict religious publishing in general; however, the sale of Ahmadi religious literature was banned. The law prohibited publishing any criticism of Islam or its prophets or insults to another's religious beliefs." **[3l] (Section II: Legal Policy/Framework)**

16.11 The Freedom House *Map of Press Freedom 2010* report noted that "Broadcast media are regulated by the Pakistan Electronic Media Regulatory Authority (PEMRA), which has occasionally used its power to halt broadcasts and shutter media offices." **[5e]**

16.12 However, the USSD Report 2009 stated "Restrictive amendments to regulatory laws for print and electronic media promulgated by former president Musharraf during the 2007 state of emergency were not enforced during the year." **[3b] (Section 2a)**

16.13 The HRCP Report 2009 stated:

"Apparently embarrassed by criticism, innocuous jokes, derogatory messages and scandals of financial corruption related to public figures, the government placed curbs on SMS messaging and using Internet critical of it. Bypassing the parliament and avoiding any debate by law-makers on this crucial issue, on July 9 2009, President Asif Zardari reissued the Prevention of Electronic Crimes, Ordinance (PECO) 2009 which covers 18 offences that carry severe punishment, including life imprisonment and death penalty and which had been promulgated by Gen. Musharraf. A special cell was created with the Federal Investigation Agency (FIA) to investigate and prosecute the perpetrators of the crime under the Ordinance. The way the Ordinance defined cyber crime and terrorist intent gives the authorities powers to curb freedom of expression. Under the Ordinance, search and seizure can take place any time and anywhere on any number of IT systems." **[27c] (p143)**

See also Death Penalty

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16.14 The HRCP Report 2009 noted that:

"As the wave of suicide attacks and bombings by Taliban swept the country, the media, especially private television channels, often attacked the militancy and the loss of civilian lives in such cowardly attacks. This angered the militants, especially belonging to Tehreek-e-Taliban Pakistan, and newspaper offices and renowned journalists across the country came under attack. The Taliban turned their guns on journalists and distributed leaflets threatening media persons of 'terrible consequences' of their 'anti-Taliban coverage.' However, the government ignored these threats until a suicide bomber's dastardly attack on the Peshawar Press Club. According to PFUJ [Pakistan Federation Union of Journalists], around 45 journalists had been killed between 2001 and 2009." **[27c] (p145)**

16.15 The same source added:

"Seven journalists were killed during the year while performing their duties across the country; four other journalists were killed in crime related incidents. Kidnappings, targeting, abduction and violence against media persons showed a sharp increase as compared to previous years. A total of 163 direct attacks were made against media during 2009 including murders, kidnappings, threats, assaults and attacks on media establishments. Fifty four of these attacks were made in Punjab, 52 in NWFP [North West Frontier Province], 28 in Islamabad, while three cases were recorded in Balochistan." **[27c] (p145)**

16.16 The USSD Report 2009 noted that "According to an International Freedom of Expression Exchange report published in August, 11 journalists have been killed in Pakistan since 2008; the World Association of Newspapers and New Publishers reported eight journalists were killed during the year." **[3b] (Section 2a)**

16.17 The Committee to Protect Journalists (CPJ) noted in its *Annual Report 2010* that "Journalists in Pakistan face threats from a dizzying range of actors – including Taliban fighters and other militants, state security forces, corrupt local officials, and religious extremists. Since 2001, CPJ has documented the deaths of 26 journalists in Pakistan, all but two of them local reporters." **[74b] (p5, Focus on Pakistan)**

16.18 The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, noted that:

"The physical safety of journalists remains a concern, and at least four journalists were murdered in 2009, according to the Committee to Protect Journalists. Intimidation by the security forces – including physical attacks and arbitrary, incommunicado detention – appears to have declined, but Islamic fundamentalists, thugs hired by feudal landlords or local politicians, and police continued to harass journalists and attack media offices during the year. A number of reporters covering the conflict in the tribal areas and parts of NWFP were detained, threatened, expelled, or otherwise obstructed, either by government forces or militants." **[5a]**

16.19 The Human Rights Watch *World Report 2010* stated that:

"Journalists continue to face pressure and threats from elements of Pakistan's intelligence apparatus and non-state actors, including the Taliban, who repeatedly have threatened journalists and television stations in the country. Taliban intimidation was particularly high in 2009 in the tribal areas and the Malakand division. In September Afghan journalist Janullah Hashimzada was murdered in Pakistan, allegedly by Afghan Taliban. In July the homes of two journalists, Behroz Khan and Rehman Buneri, from the Buner Valley in Malakand division, were destroyed by the Taliban in response to their reporting." **[7a] (Media Freedom)**

16.20 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 [sic] (ISI [Inter-Services Intelligence] 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]**

16.21 For further information on incidents occurring against the media in Pakistan see Reporters Without Borders **[23b]** and the Committee to Protect Journalists (CPJ) **[74a]**.

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009) noted, although there were some exceptions, 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 [Non-governmental organisation] 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 government permitted international nongovernmental human rights observers to visit the country. In some instances the government did not issue visas to international

NGO officials. The ICRC [International Committee of the Red Cross] and many agencies of the UN had offices in the country, including UNHCR [UN High Commission for Refugees], UN Children's Fund (UNICEF), and UN Development Program. The government did not allow ICRC access to security detainees in Swat and the NWFP [North West Frontier Province]. The ICRC also reported difficulties in meeting freely with detainees in Balochistan, where the government blocked access, and Punjab, where the government restricted access to security-related prisoners." **[3b] (Section 4)**

17.02 The Human Rights Committee of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"NGOs throughout Pakistan faced severe threats during 2009 in the wake of increasing terrorism and violence. Employees and organizations associated with NGOs in the country suffered huge losses which were often irreparable. NGO employees faced risks to their property as well as their lives. According to the Federal Minister for Social Welfare and Special Education, there were around 100,000 NGOs working in Pakistan. However, only 45,000 NGOs were registered under different laws in the Ministry's national database in 2009." **[27c] (p164-165)**

17.03 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." **[41e]**

17.04 The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, stated that the:

"Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that focus on female education and empowerment, and female NGO staff in general, have faced threats, attacks, and a number of murders by radical Islamists, particularly in the north. Militant groups ordered NGOs to leave the Swat valley after they seized control there in February 2009. Citing security concerns, the government has at times prevented aid groups from operating in Baluchistan, exacerbating the province's humanitarian situation. Pakistan is also home to a large number of charitable or cultural organizations, such as the Jamaat-ud-Dawa (JD), that have links to Islamist militant groups." **[5a]**

See also Annex C: Terrorist and extremist groups

17.05 The USSD Report 2009 observed that "Criminal groups, some with ties to militant groups, engaged in extortion and kidnapping activities throughout the country…[along with others] foreign nationals… and NGO workers were among those targeted." **[3b] (Section 1g)**

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18. CORRUPTION

18.01 In its 2010 Corruption Perceptions Index (CPI), Transparency International ranked Pakistan 143 in the world corruption ranking, out of 178 countries, giving it a CPI score of 2.3. (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] (p9)**

18.02 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, noted in its introduction for Pakistan that "Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem." **[3b]** The same report added "The law imposes criminal penalties for official corruption; the government did not implement the law effectively in practice, and officials frequently engaged in corrupt practices with impunity. The public perception of corruption was widespread.... The Worldwide Governance Indicators of the World Bank reflected that corruption was a severe problem." **[3b] (Section 3)**

18.03 The Asian Human Rights Commission report, *The State of Human Rights in Ten Asian Nations – 2009* (AHRC Report 2009), published July 2010, noted that:

"Rampant corruption in Pakistan continues to undermine any possibility of effective governance and the enjoyment of human rights. Corruption always favours the strong over the weak and perpetuates a system of inequality and brutality. Corruption pervades every aspect of life and every strata of society; from taxation to vehicle ownership to basic medicines. President Asif Zardari and several other high-ranking ministers have been accused of corrupt practices, further undermining the civilian government and fuelling political instability and hindering progress. Current president Asif Zardari enjoys indemnity under Article 248 of the Constitution and no new or old cases could be opened against him as long as he holds the Presidency." **[52a] (p197)**

18.04 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..." **[20b] (p13)**

See Section: Security forces, subsection Police

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NATIONAL RECONCILIATION ORDINANCE (NRO)

18.05 The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, noted that:

"Corruption is pervasive in politics and government. Under the NRO [National Reconciliation Ordinance], issued by then president Pervez Musharraf in October 2007, Zardari and more than 8,000 other politicians, diplomats, and officials were granted immunity in ongoing cases. The Supreme Court's revocation of the NRO in December 2009 cleared the way for the revival of such cases, and though Zardari himself still enjoyed presidential immunity, several other high-ranking ministers were facing the threat of prosecution at year's end.The National Accountability Bureau (NAB), established in 1999 to try corruption cases, was slated to be abolished in January 2009 amid claims that it had grown overly politicized during the Musharraf era. At year's end, the National Assembly was considering legislation that would replace the NAB with a new and redefined anticorruption body. PILDAT [Pakistan Institute of Legislative Development and Transparency] criticized several provisions of the bill, particularly its adoption of a narrower definition of corruption and the restriction of the new entity's mandate to holders of political office." **[5a]**

18.06 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) **[69a]**

18.07 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"On December 16, a 17-member full bench of the Supreme Court [SC] headed by Chief Justice Iftikhar Muhammad Chaudhary, unanimously struck down the National Reconciliation Ordinance as void ab initio and being in contravention of the constitution and interests of the country. All criminal and corruption cases dropped under the NRO were revived and the beneficiaries told to face trial in courts. The Supreme Court also ordered the government to reopen Swiss cases, involving President Zardari, and take action against former Attorney General Malik Qayyum for overstepping his authority. The court also decided to set up monitoring cells to oversee the implementation of the verdict. Consequent upon the SC verdict on NRO, the National Accountability Bureau opened hundreds of cases against NRO beneficiaries, including many federal ministers, party politicians, bureaucrats and businessmen." **[27c] (p40)**

18.08 The Economist Intelligence Unit noted in its Pakistan Country Report, November 2010, that "On September 27th the court had accepted a government request to postpone a hearing on the National Reconciliation Ordinance (NRO). The hearing was rescheduled for October 13th, but the government has asked for a further postponement to replace its counsel, Kamal Azfar, who has been promoted to prime ministerial adviser." **[75a] (The Political Scene)**

See also Sections: Security Forces, subsection: Police; and Judiciary, subsection Independence and Fair Trial

NATIONAL ACCOUNTABILITY BUREAU (NAB)

18.09 The Freedom House *Freedom in the World Pakistan 2010* report stated that:

> "The National Accountability Bureau (NAB), established in 1999 to try corruption cases, was slated to be abolished in January 2009 amid claims that it had grown overly politicized during the Musharraf era. At year's end, the National Assembly was considering legislation that would replace the NAB with a new and redefined anticorruption body. PILDAT [Pakistan Institute of Legislative Development and Transparency] criticized several provisions of the bill, particularly its adoption of a narrower definition of corruption and the restriction of the new entity's mandate to holders of political office." **[5a]**

18.10 The NAB's website, accessed 16 November 2010, 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]**

18.11 The USSD Report 2009 noted that "Accountability courts were established under the NAB Ordinance 1999 to consider corruption cases. Twenty-one accountability courts work under the administrative and operational control of high courts and independently of NAB. Antiterrorism courts do not grant bail if the court has reasonable grounds to believe the accused is guilty." **[3b] (Section 1e)**

18.12 The EIU November 2010 report noted "Rumours of substantial corruption in Pakistan have been exacerbated during the past year by the apparent unwillingness of the National Accountability Bureau, a federal level anti-corruption and economic intelligence agency, to take action against offenders." **[75a] (The political scene)**

18.13 The HRCP Report 2009 noted that:

> "Disciplinary action against a large number of police officials was one of the many indications of the poor performance of the law and order personnel. In Punjab, disciplinary action was taken against 1,688 police officials, including DSPs [Deputy Superintendent of Police], SHOs [Station House Officers], inspectors and sub-inspectors, under the orders of the Chief Minister on charges of misconduct and inefficiency during the first 11 months of 2009. The Inspection and Vigilance teams carried out surprise inspection of 136 police stations during the year across Punjab, and discovered cases of illegal detention, torture, registration of false cases, non-registration of cases and defective investigations.
>
> "According to the IGP [Inspector General of Police], Islamabad, dozens of police officers were suspended during the year 2009 on charges of corruption. Three SHOs of Sialkot police were suspended by the Regional Police Officer (RPO) Gujranwala region on charges of corruption and laziness in duties during December 2009. In the first week of December, the District and Sessions Judge, Karachi South, issued arrest warrants for the SP [Superintendent of Police], Special Investigation Unit (SIU), and other officials for

keeping citizens in detention illegally. A court bailiff had raided the SIU centre in Karachi and found four persons illegally detained there." **[27c] (p75-76)**

See also Judiciary, Independence and Fair Trial

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19. FREEDOM OF RELIGION

19.01 The US Department of State's *International Religious Freedom Report 2010* (USSD IRF Report 2010), published on 17 November 2010, covering the period 1 July 2009 to 30 June 2010, stated in its introduction to Pakistan that:

"The constitution establishes Islam as the state religion and it 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 however, the government limited freedom of religion. Freedom of speech was also constitutionally 'subject to any reasonable restrictions imposed by law in the interest of the glory of Islam.'

"Despite the government's steps to protect religious minorities, the number and severity of reported high-profile cases against minorities increased during the reporting period. Organized violence against minorities increased; for example, there was violence against Christians in Gojra, Punjab, and a terrorist attack on Ahmadis in Lahore, Punjab. There were instances in which 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 or delay in addressing religious hostility by societal actors fostered religious intolerance, acts of violence, and intimidation against religious minorities. Specific laws that discriminated against religious minorities included the anti-Ahmadi provisions of the penal code and the blasphemy laws which provided 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, Christians, Sikhs, and Hindus also reported governmental and societal discrimination." **[3l] (Introduction)**

19.02 The United States Commission on International Religious Freedom *2010 Annual Report* (USCIRF Report 2010), published May 2010, covering events from 1 April 2009 to 31 March 2010, has recommended since 2002 that the US Department of State designate Pakistan as a "country of particular concern" or CPC, and stated that:

"The religious freedom situation in Pakistan remains deeply troubling, with further deterioration possible due to the actions of religiously-motivated extremists, some of whom have ties to Al-Qaeda or to the Afghan Taliban. The current Zardari government has taken positive actions to promote religious tolerance. However, the government has failed to reverse the continuing erosion in the social and legal status of members of religious minority communities and in the ability of members of the majority Muslim community to discuss sensitive religious and social issues freely. A number of Pakistan's laws abridge freedom of religion or belief. Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. Blasphemy laws have been used against members of religious minorities and

dissenters within the majority Muslim community, and frequently result in imprisonment on account of religion or belief and/or vigilante violence. The Hudood Ordinances – Islamic decrees predominantly affecting women that are enforced alongside Pakistan's secular legal system – provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims. Anti-government insurgents espousing an intolerant interpretation of Islam continue to impose a harsh, Taliban-style rule in areas under their control. The government's response to religiously-motivated extremism remains inadequate, despite increased security operations. Pakistan also continues to promote the flawed 'defamation of religions' concept at the UN, which would undermine the freedoms of religion and expression internationally." **[53a] (p91)**

19.03 The same source added that:

"Despite continuing political and security challenges, the Pakistani government under President Zardari and Prime Minister Gilani has taken positive steps regarding religious freedom. Both the President and the Prime Minister publicly committed to combating religious extremism and to protecting the rights of members of Pakistan's religious minority communities (with the evident exception of the Ahmadis, who are viewed as a special case in Pakistan). In November 2008, the government appointed prominent minority-rights advocate Shahbaz Bhatti as Federal Minister for Minorities with cabinet rank. Mr. Bhatti has used his position as Federal Minister to obtain government assistance for victims of the worst instances of religiously-motivated mob violence, to advocate publicly for reform or repeal of the blasphemy laws, to gain increased public attention to the concerns of the religious minorities, to secure increased employment opportunities in public service for members of religious minority communities, and to promote religious tolerance through the creation of what are termed 'District Interfaith Harmony Committees.' In addition, in March 2009 the government appointed a Christian jurist as a judge in the Lahore High Court (at the time of the appointment there were no other Christians serving as judges in Pakistan). In May 2009, the federal government announced a five percent quota in federal employment for members of religious minority communities. On May 28, 2009, 'Minorities' Solidarity Day' was first officially celebrated as a federal holiday in Pakistan, and the government designated August 11 as annual 'Minorities' Day." **[53a] (p92)**

19.04 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In an [sic] xenophobic atmosphere, created and promoted by conservative clerics and a section of the media religious minorities are viewed with suspicion and mistrust. They are seen as constantly conspiring against Islam, Muslims and Pakistan in cahoot with the infidel foreign powers, especially the West. An imaginary combine of Hunud-o-Yahud-o-Nasara (Hindus, Jews and Christians) is supposed to be conspiring against Pakistani Muslims all the time in collaboration with the local minorities. This world view propagated on a large scale, coupled with an unfavourable legal regime, has made life difficult for the non-Muslim citizens. They cannot freely practise their religion and present their point of view without risking their life, honour and property as is evident from attacks on them.

"The year 2009 saw an increase in violent attacks on religious minorities while the government failed to take effective preventive measures. The growing intolerance of religious minorities' rights, increased frequency of vigilante actions against them and attacks on non-Muslims over allegations of blasphemy and desecration of religious

scriptures caused serious hardships to them. As the Pakistan army and paramilitary forces conducted military operations against the Taliban networks in Swat and other tribal areas including South Waziristan, the militants struck with vengeance, in other parts of the country, at non-Muslim minorities, as well as the Muslim minority Shia sect." **[27c] (p123)**

19.05 Following a fact-finding mission to Pakistan from 13 – 22 February 2010, the Parliamentary Human Rights Group *Report of the PHRG Fact Finding Mission to Pakistan to Examine the Human Rights Situation of the Ahmadiyya Community*, published 24 September 2010 (PHRG Report 2010), stated that:

"In the Pakistan of today, the PHRG finds that the religious minorities are not free. Their mosques and churches are under attack by religious fascists; their members are persecuted and murdered, and there is no hope of improvement for them in the policies of any of the political parties or leaders. The justice system discriminates systematically against the Ahmadiyyas is [sic] particular, from the highest courts down to the local police, and there are only one or two brave voices raised in defence of the victims." **[51b] (p3)**

19.06 The Asian Human Rights Commission commented in its report, *The State of Human Rights in Ten Asian Nations – 2009* (AHRC Report 2009), published July 2010, that "Pakistan's religious minority groups – including Hindus, Christians, Sikhs, Jews, Ahmedis, and Buddhists – face continuing difficulties in 2009, with a disappointing lack of progress on the part of the government to guarantee basic security and protection to the country's minorities, and to amend or revoke laws and constitutional provisions that demonstrably perpetuate discrimination." **[52a] (p209)**

See subsection below on Ahmadis and Christians

19.07 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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." **[3b] (Section 2c)**

See also Section: Security situation

19.08 The USCIRF Report 2010 noted that, despite efforts by the Government since mid 2005 to register all religious schools (madrassas) and expel foreign students, "...the registration process reportedly has had little if any effect on the curricula, which in many of these schools remains intolerant and includes exhortations to violence. The government also still lacks controls on the madrassas' sources of funding." **[53a] (p93)**

See also Section: Children – Education – Madrassas

DEMOGRAPHY

19.09 The USSD IRF Report 2010 observed that:

"Approximately 95 percent of the population is Muslim (75 percent Sunni, 25 percent Shia). Groups composing 5 percent of the population or less include Hindus, Christians, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, Ahmadis, and others. According to the

Ministry for Minorities Affairs, Sikhs have approximately 30,000 adherents and Buddhists 20,000. According to a Parsi community center in Karachi, the number of Parsis (Zoroastrians) dropped to 1,750 in 2010 as compared to 2,039 in June 2006. The Baha'i claimed that the number of Baha'is is growing, with approximately 30,000 adherents. The number of Ahmadis living in the country, 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 not to identify themselves as non-Muslims. Some tribes in Balochistan and Khyber Pakhtunkhwa (KPk) (formerly known as the North West Frontier Province) 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 claimed no religious affiliation." **[3l] (Section I)**

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CONSTITUTION AND LEGISLATION

19.10 The USSD IRF Report 2010 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. Religious parties opposed any amendments to the constitution affecting its Islamic clauses, especially the ones relating to Ahmadis. In April 2010 the 18th Amendment to the constitution was passed without amending constitutional clauses affecting minorities, including blasphemy and Ahmadi-specific laws." **[3l] (Section II: Legal/Policy Framework)**

19.11 The same source added:

"Government policies did not afford equal protection to members of majority and minority religious groups. Religious minorities were legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, were often afraid to profess freely their religious beliefs. The 2008 establishment of the Ministry for Minority Affairs removed responsibility for protection of religious minorities from the Ministry of Religious Affairs. The Ministry of Minority Affairs, a stand-alone, cabinet level ministry that has the 'aim to protect the rights of minorities as envisaged under the 1973 constitution of Pakistan' is headed by Shahbaz Bhatti, a Roman Catholic. The Ministry for Minority Affairs' budget covers assistance to indigent minorities, the repair of minority places of worship, the establishment of minority-run small development projects, and the celebration of minority religious festivals. These expenses were previously covered by the Ministry of Religious Affairs. Religious minorities claimed that the Ministry for Minority Affairs is underfunded and that localities and villages that were home to minority citizens went without basic civic amenities." **[3l] (Section II: Legal/Policy Framework)**

19.12 The USCIRF Report 2010 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 seldom are brought to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability." **[53a] (p92)**

19.13 The USSD Report 2009 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." **[3b] (Section 2c)**

BLASPHEMY LAWS

19.14 The AHRC Report 2009 stated "Despite vocal criticism at home and aboard [sic], Pakistan's infamous Blasphemy Laws remain in effect and charges of blasphemy are still punishable with the death penalty, while desecration of the Holy Quran carries a life sentence." **[52a] (p211)** The USSD IRF Report 2010 stated "Laws prohibiting blasphemy continued to be used against Christians, Ahmadis, and members of other religious groups, including Muslims." **[3l] (Section II)**

19.15 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 remarksetc., 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

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

19.16 The USSD IRF Report 2010 noted that "Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code... In cases in which a minority group claimed its religious feelings

were insulted, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system." **[3l] (Section II: Legal/Policy Framework)**

19.17 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. Lower courts were frequently subjected 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." **[3l] (Section II: Restrictions on Religious Freedom)**

19.18 The PHRG Report 2010 stated that "The State of Pakistan is failing at all levels to address the problem of malicious complaints of violations of the blasphemy law being pursued against Ahmadis and Christians, as well as members of other religious communities." **[51b] (p8)**

19.19 The same source continued:

"These failures start with the police, who, in many cases, fail to exercise independent judgment in the use of their powers in the following areas:

- the decision to accept a First Information Report (the commencement of the legal process in a criminal case).
- the decision to arrest the accused.
- the decision to keep the accused in custody.
- the decision to charge the accused and present him to the court...

(The injustices of such police actions are deepened by frequent instances of poor physical treatment of accused persons by police officers.)

"The prosecutors engaged by the Advocate-General Departments of the Provincial Governments in many cases fail to:

- exercise independent judgment when continuing these cases in the courts.
- apply, with an independent mind, a review of the strength of the evidence or of the public interest test in continuing such cases.

"The judges in all courts, especially the lower ones, in many cases fail to:

- deal with these cases expeditiously, resulting in long delays and adjournments
- to grant bail in many cases and then only after long delays and appeals to the Higher Courts.

"The Government and Parliament are failing to:

- reform the law by repealing it or at very minimum reducing its discriminatory impact.

"As a result, at all levels of the State there is a failure to deter the promotion of religious intolerance, which is visible in that

- Incitements made by religious extremists to murder Amhadis and Christians go unchecked and unpunished.
- Persons who have made manifestly groundless allegations of violations of the blasphemy law against Ahmadis and others are not prosecuted for their falsehoods.
- state actors at all levels frequently appear fearful of the power and influence of Muslim extremists and are being paralysed by a small minority of extremist preachers and their supporters." **[51b] (p9-10)**

19.20 The HRCP Report 2009 noted that "In 2009, a total of 41 complaints of blasphemy were registered by police. Some 37 Ahmedis were booked under blasphemy laws and 57 Ahmedis were charged under Ahmedi-specific laws. However, many cases were registered against Muslims as the rival sects of Islam increasingly used the blasphemy law against each other..." **(p125)** The HRCP Report gave a number of accounts of blasphemy cases filed during 2009. **[27c] (p125-130)**

19.21 The Freedom House special report *Policing Belief: The Impact of Blasphemy Laws on Human Rights*, published October 2010, noted that "According to data compiled by nongovernmental organizations (NGOs) and cited by the U.S. State Department, a total of 695 people were accused of blasphemy in Pakistan between 1986 and April 2006. Of those, 362 were Muslims, 239 were Ahmadis, 86 were Christians, and 10 were Hindus. The Pakistani daily newspaper *Dawn* has reported that some 5,000 cases were registered between 1984 to 2004, and 964 people were charged with blasphemy." **[5f] (p69)**

19.22 The AHRC Report 2009 provided slightly different data and noted that "According to data collected by the National Commission for Justice and Peace (NCJP), at least 964 persons were alleged under these anti-blasphemy clauses from 1986 to August 2009, while over 30 persons were killed extra-judicially by the angry mob or by individuals." **[52a (p211)**

19.23 According to the National Commission for Justice and Peace (NCJP), at least 112 cases were registered under the blasphemy laws during 2009. "Of the 112 persons, 57 were identified as Ahmadis, 47 Muslims, and eight Christians. A total of 1,032 persons have been charged under the blasphemy laws between 1987 and 2009." (USSD IRF Report 2010) **[3l] (Section II)**

19.24 The USCIRF Report 2010 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 neither proof of intent nor evidence to be presented after allegations are made, and include no penalties for leveling false allegations, they are commonly used by extremists to intimidate members of religious minorities and others with whom they disagree. Accusers also often use these laws to carry out a vendetta or gain an advantage over another. Minor procedural changes have not diminished the misuse of these laws." **[53a] (p96)**

19.25 The USSD Report 2009 observed that:

"Complaints under the blasphemy laws were used to harass rivals in business or personal disputes. Most complaints under these laws were filed against the majority Sunni Muslim community by other Sunnis. Appellate courts dismissed most blasphemy cases; the accused, however, often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from extremist religious groups. In 2005 a law went into effect 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, this process was not effective because senior police officers did not have the resources to review the cases." **[3b] (Section 2c)**

19.26 The Freedom House special report *Policing Belief: The Impact of Blasphemy Laws on Human Rights*, noted that "The low evidentiary threshold required to register cases of blasphemy, coupled with the sensitive nature of the crime, exacerbates the laws' potential for abuse." **[5f] (p75)**

19.27 The USCIRF Report 2010 report noted that:

"The negative impact of the blasphemy laws is further compounded by the absence of due process in the proceedings, and during blasphemy trials, Islamic militants often pack the courtroom and publicly threaten violence if there is an acquittal. Such threats have proven credible, since violence has sometimes followed an acquittal. 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. Scores of arrests on blasphemy charges are reported each year in Pakistan." **[53a] (p96)**

19.28 The PHRG Report 2010 noted that the fact-finding mission found "…Ahmadis, as well as members of other religions, are frequently charged with the offence of blasphemy, on grounds which are often spurious in the extreme. It appears that many convictions, though by no means all, are over-turned on appeal. However, by then the successful appellants have spent many years behind bars." **[51b] (p19)**

19.29 The Freedom House special report *Policing Belief: The Impact of Blasphemy Laws on Human Rights*, noted that:

"... the ratio of Muslims to non-Muslims among blasphemy defendants illustrates the extent to which these laws are used to persecute religious minorities. Pakistan's minister for minority affairs, Shahbaz Bhatti, has publicly argued that 'the blasphemy law is being used to terrorize minorities in Pakistan.' Ahmadis are the most affected, followed by Christians. However, Muslims are not exempt. Almost half of all blasphemy cases lodged over the last two decades have been against Muslims, including both Sunnis and Shiites... However, the use of blasphemy laws against Sunni and Shiite Muslims does not appear to be based on sectarian differences so much as personal disputes." **[5f] (p77)**

19.30 The Freedom House *Freedom in the World Pakistan 2010* report, published 1 June 2010, stated that "Incidents in which police officials take bribes to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally Muslims continue to occur, with several dozen cases reported each year. No blasphemy convictions have

withstood appeal to date, but the charges alone can lead to lengthy detentions, ill-treatment in custody, and persecution by religious extremists." **[5a]**

See also Judiciary: Blasphemy Laws

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Legal procedure for blasphemy charges

19.31 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 agreived [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 substaniated [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 section relates 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 is bailable 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]**

19.32 The PHRG Report 2010 noted that:

"The Mission heard that once a criminal complaint has been filed (called a First Information Report), there is very little scope for the prosecution to evaluate the strength or merits of the accusation. Almost invariably, the FIR will lead to a full trial, even if both prosecutor and judge deem the charge to be unsubstantiated. A number of interlocutors also complained that third parties, in particular mullahs, were able to influence blasphemy cases. Additionally, a number of interlocutors pointed out that the only penalty for blasphemy law under section 295C, namely the use of derogatory remarks etc in respect of the Holy Prophet, is death, but that this sentence was rarely imposed, thus making the legislation inherently contradictory." **[51b] (p24)**

See also Section: Arrest and Detention – Legal Rights

Hudood Ordinances

19.33 The USSD IRF Report 2010 observed that:

"…the Hudood Ordinance... criminalizes rape, extramarital sex, property crimes, alcohol, and gambling... Under Shari'a, Hudood referred to punishments for certain crimes such as theft, fornication, consumption of alcohol, and apostasy. The country's 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 were used, Muslim and non-Muslim and male and female testimony carried different weight. Until the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act, cases of rape and adultery were also heard under the Hudood Ordinance, which led to numerous abuses against women. The 2006 law moved these cases to secular rather than Shari'a courts; thousands of women have now been released from jail, although social ostracism continued in some cases." **[3l] (Section II)**

See Sections: Judiciary: Hudood Ordinances and Women: Women's Protection Act

Anti-terrorist laws

19.34 The USSD IRF Report 2010 stated

"Under the Anti-Terrorism Act (ATA), any action, including speech, intended to incite religious hatred was punishable by up to seven years' imprisonment... In accordance with the Anti-Terrorism Act, the government banned activities of and membership in several religious extremist and terrorist groups. The act allowed 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 banned groups remained active." **[3l] (Section II: Legal/Policy Framework)**

See also Section: Judiciary: Anti-Terrorist Act and Courts

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Apostasy

19.35 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]**

19.36 As stated in the USSD IRF Report 2010 "Conversion to other minority religious groups generally took place in secret to avoid societal backlash." **[3l] (Section III)**

19.37 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]** An official at the Foreign and Commonwealth Office (FCO), British High Commission, Islamabad, stated in a letter dated 29 November 2010, that "The [Apostasy] Bill failed to emerge from Committee before the dissolution of the National Assembly in 2007. The MMA boycotted the elections, eventually held in early 2008, and the alliance crumbled. They have no meaningful parliamentary base in the current Assembly." **[11m]**

INTER-FAITH MARRIAGE

19.38 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]**

19.39 The USSD IRF Report 2010 noted "Marriages were performed and registered according to one's religious group. The marriages of non-Muslim men remained legal upon conversion to Islam." **[3l] (Section II)**

19.40 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]**

19.41 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]**

19.42 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]**

19.43 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 Quadiani 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

19.44 The HRCP Report 2009 cited that "A trend of violence against and abduction of minority girls… attracted public attention in 2009. In Sindh, many Hindu girls were reportedly abducted, converted to Islam forcibly and married off to Muslim men. Other religious minorities were also facing similar threats." **[27c] (p218)**

See also Sections: Women, and Children: Underage/forced marriage

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FATWA

19.45 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]**

19.46 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]**

19.47 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]**

19.48 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]**

19.49 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]**

VOTING RIGHTS

19.50 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." **[3h] (Section II)**

19.51 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." **[3h] (Section II)**

19.52 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." **[27a] (p105, Political participation)**

See also subsection Ahmadis

19.53 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 [North West Frontier Province], 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]**

19.54 Of the twenty three seats allocated to minorities in total in the Provincal 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]**

19.55 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)**

19.56 The USSD IRF Report 2010 observed, in regard to Ahmadis, that:

"The government designated religious affiliation on passports and requested 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." **[3l] (Section II: Legal/Policy Framework)**

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AHMADIS

Background

19.57 Al Islam, the official website of the Ahmadiyya Muslim Community, accessed 10 November 2010, noted in its undated overview of Ahmadi's, that:

"The Ahmadiyya Muslim Community is a dynamic, fast growing international revival movement within Islam. Founded in 1889, it spans over 195 countries with membership exceeding tens of millions. Its current headquarters are in the United Kingdom.

"Ahmadiyya Muslim Community is the only Islamic organization to believe that the long-awaited Messiah has come in the person of Mirza Ghulam Ahmad(as) (1835-1908) of Qadian. Ahmad(as) claimed to be the metaphorical second coming of Jesus(as) of Nazareth and the divine guide, whose advent was foretold by the Prophet of Islam, Muhammad(sa). Ahmadiyya Muslim Community believes that God sent Ahmad(as), like Jesus(as), to end religious wars, condemn bloodshed and reinstitute morality, justice and peace. Ahmad's(as) advent has brought about an unprecedented era of Islamic revival. He divested Islam of fanatical beliefs and practices by vigorously championing Islam's true and essential teachings...

"His rigorous and rational defenses of Islam unsettled conventional Muslim thinking. As part of its effort to revive Islam, Ahmadiyya Muslim Community continues to spread Ahmad's(as) teachings of moderation and restraint in the face of bitter opposition from parts of the Muslim world...

"Five spiritual leaders have succeeded Ahmad(as) since his demise in 1908. It's fifth and current spiritual head, Mirza Masroor Ahmad, resides in the United Kingdom." **[17a]**

19.58 The website for The Lahore Ahmadiyya Movement in Islam, accessed 10 November 2010, noted that "...there are two sections of the Ahmadiyya Movement... Ahmadiyya Anjuman Ishaat-i-Islam Lahore, the head quarters of which is in Lahore, Pakistan. The other section is the Qadiani Jamaat, the headquarters of which is in Rabwah, Pakistan." The website, undated, described the main differences between the the Qadiani Jamaat and the Lahore Ahmadiyya Jamaat:

"The Qadiani Jamaat believes that all Muslims who have not entered in the Bai'at (pledge) of the Founder of the Ahmadiyya Movement are kafirs and out of the pail of Islam, even though these Muslims never heard the name of the Founder or even though they may be believing in the Founder's truthfulness. The crux of the matter according to the Qadiani Jamaat is the formal entry in the Bai'at of the Founder of the Ahmadiyya Movement on the terms of belief entertained and preached by them.

"As against the above Qadiani belief, the Lahore Ahmadiyya Jamaat believes that every person who recites 'Kalimah-e-Tayyebah' ['There is no god but Allah, and Muhammad is the Messenger of Allah' (La ilaha ill-Allah, Muhammad-ur rasul-ullah) – The Pronouncement of the Faith of Islam] is a Muslim, no matter to what sect he belongs to and no matter whether he believes in the Founder of the Ahmadiyya Movement or not. According to them non-belief in a Mujaddid or Promised Messiah is simply a sin like many other sins for which a person is accountable to Allah, but one is not thrown out of the pail of Islam, nor does one become a kafir by committing a sin.

"The issue of Takfir-e-Muslimeen was the first difference of belief which arose amongst the members of the Ahmadiyya Movement after the passing away of the Founder of the Movement, and ultimately it led to the Split of the Movement into two sections." **[18a]**

Demography

19.59 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 2010 noted that the number of Ahmadis 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 not to identify themselves as non-Muslims." **[3l] (Section I)** The USCIRF Report 2010 stated that there were between three to four million Ahmadis in Pakistan. **[53a] (p95)**

19.60 ThePersecution.org, a website reporting on the religious persecution of the Ahmadiyya Muslim community, stated in its annual report, *Persecution of Ahmadis in Pakistan during the Year 2009* (Annual Report 2009), that the Ahmadi population was centred around Rabwah and more than 95 per cent of its population was Ahmadi. **[60a] (p53)** Based on official government figures Rabwah has a population of about 70,000 Ahmadis. (PHRG Report 2007) **[51a] (p2, Section 1, Introduction)**

Legislation discriminating against Ahmadis

19.61 The USCIRF Report 2010 observed that Ahmadis were:

"… subject to the most severe legal restrictions and officially-sanctioned discrimination. Ahmadis… are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. 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. Ahmadis also are restricted in building new houses of worship, holding public conferences or other gatherings, and traveling to Saudi Arabia for religious purposes, including the hajj (the pilgrimage to Mecca required of all able-bodied Muslims)." **[53a] (p95)**

19.62 The HRCP Report 2009 noted "As the most vulnerable community in Pakistan the Ahmadis continued to face discrimination and violence throughout the year [2009]. The blasphemy laws were widely used against them as five Ahmedi citizens were murdered in target killings in 2009, raising to 100 their casualties since the introduction of anti-Ahmadiya laws by the Ziaul Haq regime in 1984." **[27c] (p124)**

19.63 The USSD IRF Report 2010 cited that "Specific laws that discriminated against religious minorities included the anti-Ahmadi provisions of the penal code and the blasphemy laws which provided the death penalty for defiling Islam or its prophets." **[3l] (Introduction)**

19.64 The USSD IRF Report 2009 noted that:

"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..." **[3c] (Section II: Legal/Policy Framework)**

19.65 The USSD IRF Report 2010 added "Religious parties opposed any amendments to the constitution affecting its Islamic clauses, especially the ones relating to Ahmadis. In April 2010 the 18th Amendment to the constitution was passed without amending constitutional clauses affecting minorities, including blasphemy and Ahmadi-specific laws." **[3l] (Section II)**

19.66 The same source stated that:

"Ahmadiyya leaders claimed the government used sections of the penal code against their members for religious reasons. The government used anti-Ahmadi laws to target and harass Ahmadis and often accused converts to the Ahmadiyya community of blasphemy, violations of anti-Ahmadi laws, or other crimes. 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. According to the Rabwah-based Jamaat-e-Ahmidaya, as of June 2010 42 Ahmadis faced criminal charges under Ahmadi-specific laws or blasphemy laws, and 25 Ahmadis faced false charges under other sections of the penal code." **[3l] (Section II: Restrictions on Religious Freedom)**

See also sub-sections above on Blasphemy Laws and Voting rights

Passports and ID cards

19.67 The USSD IRF Report 2010 observed that "The government designated religious affiliation on passports and requested religious information in national identity card applications. A citizen must have a national identity card to vote." **[3l] (Section II: Legal/Policy Framework)** However, "Obtaining a Pakistani national identity card or a passport requires a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet. Moreover, because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level." (USCIRF Report 2010) **[53a] (p95)** Furthermore, "Due to 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 2010) **[3l] (Section II: Restrictions on Religious Freedom)**

19.68 The HRCP Report 2009 noted that "According to the Federal Minister for Religious Affairs, International Machine Readable (IMR) passports were made mandatory for obtaining Hajj visas in 2009. Applications without Computerized National Identity Cards (CNIC) and IMR passports were not entertained causing great inconvenience to the pilgrims." **[27c] (p120)**

See also subsection on Voting rights above, Sections: Citizenship and Nationality; National identity cards; and Exit/entry procedures; Passports

Khatme Nabuwaat

19.69 The USSD Report 2009, described the Khatme Nabuwwat as "... an anti-Ahmadiyya religious clerical group." **[3b] (Section**

19.70 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.'" **[51a] (p8)**

19.71 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. **[51a] (p8 Section 2, The role of Khatme Nabuwwat (Committee to Secure the Finality of the Prophethood))**

19.72 ThePersecution.org reported in its Annual Report 2009 that on the 15 and 16 October 2009 "Mullas of the Khatme Nabuwwat faction were allowed and facilitated again by authorities to hold a 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." **[60a] (p46)**

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Violence and discrimination against Ahmadis

19.73 The Parliamentary Human Rights Group *Report of the PHRG Fact Finding Mission to Pakistan to Examine the Human Rights Situation of the Ahmadiyya Community*, published 24 September 2010 (PHRG Report 2010), stated that "The Mission were told about several cases of the murder of Ahmadis, reportedly for their religious beliefs. In many of these cases it appears that the police are slow to carry out a proper investigation and that even following a religiously motivated murder, the family of the deceased is not being given any protection." **[51b] (p24)**

19.74 The PHRG Report 2010 also cited the attack on two Ahmadi mosques that occurred in May 2010, subsequent to the Mission's visit of February 2010. The Report noted that:

"The attack happened on Friday the 28th May 2010 when two large Ahmadi mosques were full of worshippers who had gathered for Friday-prayers. A well coordinated attack for which the responsibility was claimed by Tehrik-e-Taliban, a hitherto unknown group but assumed to be a front for a sectarian organisation. Those who survived claimed that they heard the attackers shouting slogans of 'Khatm-e-Nabuwaat' and 'kill all!'. Assailants entered the two mosques when the people were worshipping and in the end 85 people were killed and 150 injured." **[51b] (p29)**

19.75 The same source added that:

"Representatives of the Ahmadiyya community told the Mission that the situation [of discrimation and violence] that currently exists cannot be attributed solely to extremist Mullahs who openly incite hatred and murder. It is also the state and political parties in power who are contributing to the discrimination against and persecution of Ahmadis.

"The Mission met several state representatives, who without exception stated that state bodies were pressurised by religious extremists and that their own ability to reign in these parties was very limited. Representatives of the Islamabad Ahmadiyya community told the Mission that the reason for the failure of the government to take active steps against religious extremists was the fact that even the government was reliant on their support.

"In Lahore the Mission was told that [sic] the Human Rights Commission of Pakistan that extremist Mullahs have developed a power base and now wield much influence because they are being encouraged by the government's failure to act against them. While there is impunity there is no reason for these groups to stop. According to the

Commission the government must make examples of extremist Mullahs. At the local level, the police are often reluctant to touch the Mullahs – again this reflects the failure of the government to deal with the situation at any level." **[51b] (p37-38)**

19.76 Thepersecution.org noted in its Annual Report 2009 that, between 1984 and 31 December 2009, 105 Ahmadis were murdered for their faith, 11 of whom were killed during 2009. **(p11)** The same source noted that there were 120 attempts of murder against Ahmadis in the same year. **[60a] (p102)** 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." **[3g] (Section 1)**

19.77 The USSD Report 2009 noted that as well as the deaths of 11 Ahmadis in 2009 "... there were nine targeted attacks against Ahmadis that resulted in several serious injuries; 37 Ahmadis were charged under blasphemy laws; and 57 Ahmadis were charged under Ahmadi-specific laws. At year's end no Ahmadi was in prison on charges of desecration of the Koran." **[3b] (Section 2c)**

19.78 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]**

19.79 The USSD Report 2009 noted with regards to the above case that "There were no developments regarding the June 2008 case in which police charged all the residents of Rabwah in Punjab under anti-Ahmadi laws and arrested Muhammad Yunus for lighting fireworks and lamps and greeting each other, which the government considered to be preaching their faith, a crime by law." **[3b] (Section 2c)**

19.80 The Ahmadi community claimed that, as of June 2010, 42 Ahmadis faced criminal charges on religious laws or because of their faith. (USSD IRF Report 2010) **[3l] (Section II: Abuses of Religious Freedom)**, compared to 88 between July 2007 and April 2009. (USSD IRF Report 2009) **[3c] (Section II)**. Another 25 Ahmadis faced charges under other sections of the penal code. (USSD IRF Report 2010) **[3l] (Section II: Abuses of Religious Freedom)**

19.81 The USSD IRF Report 2010 added that:

"According to Ahmadiyya leaders, at the end of the reporting period [July 2009 to June 2010], six Ahmadis were in prison; one was facing life imprisonment, three were facing death sentences, and two were incarcerated on charges of preaching. 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." **[3l] (Section II: Abuses of Religious Freedom)**

19.82 The PHRG Report 2010 stated that "The Mission was told by a number of witnesses that the judicial process moved very slowly in the case of Ahmadis and that

discretionary remedies, like the granting of bail, were frequently refused to Ahmadis." **[51b] (p37)**

19.83 The same source cited a testimony from a witness whose husband, Mohammed Iqbal, had been sentenced to 25 years imprisonment for blasphemy. "The Mission met and interviewed Mr Iqbal's wife and son, who said that they had been the only Ahmadi family in their village and that the incident arose because the imam of the local mosque did not approve of Mr Iqbal coming to the mosque to talk to him." Mr Iqbal appealed against his sentence but, five years on, the appeal is still pending. In the meantime, Mrs Iqbal moved to Rabwah, where it it was reported that she "feels safer". **[51b] (p20)**

19.84 In its Annual Report 2009, thepersecution.org, listed the number of criminal cases brought against Ahmadis from April 1984 to 31 December 2009. The list included 434 cases of Ahmadis booked for 'posing as Muslims', 719 booked for preaching, and 295 charged under the "'Blasphemy Law', i.e. PPC 295-C." The summary cited a total of 3,738 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] (p101)** 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." **[3c] (Section II)**

19.85 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)**

19.86 The USSD IRF Report 2010 also noted that Ahmadis faced restrictions on establishing places of worship and the authorities "... continued to conduct surveillance on Ahmadis, and several Ahmadiyya mosques reportedly were closed or confiscated; others reportedly were desecrated or 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 certain government departments refused to hire or retain qualified Ahmadis." **[3l] (Section II: Restrictions on Religious Freedom)**

19.87 The PHRG Report 2010 noted that "The Mission received a number of reports and testimony of witnesses to the effect that it was very difficult for Ahmadis to construct places of worship. In the most extreme case, the local administration actually demolished a half finished structure which was intended to be used as a place of worship." **[51b] (p31)**

19.88 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." **[51a] (p12, Section 3, Potential Risk Factors Faced by Ahmadis in Rabwah)**

19.89 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." **[51a] (p21, Section 4.2, State protection)**

19.90 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." **[51a] (p21, Section 4.2, State protection)**

19.91 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." **[51a] (p20, Section 4.1, Community protection)**

Societal discrimination

19.92 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." **[51a] (p6, Section 2, Position of Ahmadis in Pakistan)**

19.93 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." **[51a] (p6, Section 2, Position of Ahmadis in Pakistan)**

19.94 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…" **[51a] (p7, Section 2.1, Social and political environment)**

19.95 The BHC commented that "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." **[51a] (p7, Section 2.1, Social and political environment)**

19.96 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." **[51a] (p7, Section 2.1, Social and political environment)**

19.97 Regarding conversion to the Ahmadiyya faith, a Response to Information Request by the Immigration and Refugee Board of Canada, dated 23 November 2009, stated:

"In correspondence with the Research Directorate, the National General Secretary of Ahmadiyya Muslim Jama'at Canada stated that a non-Ahmadi Muslim who converts to the Ahmadi faith 'will face extreme persecution which could be ... physical torture, expulsion from family, social boycott, murder or a combination of all' (3 Nov. 2009). The Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada stated that violence against converts can come from both their immediate family and religious leaders (28 Oct. 2009). The Eastern Canada Regional Amir further stated that there is a fatwa [religious ruling] which states that non-Ahmadi Muslims who convert to the Ahmadi faith should be killed within three days of their conversion (Ahmadiyya Muslim Jama'at Canada 28 Oct. 2009). Further information on the fatwa could not be found among the sources consulted by the Research Directorate." **[12o]**

19.98 The same source added:

"The General Secretary of Ahmadiyya Anjuman Lahore provided the following information on the consequences of both public conversion and private conversion:

- If the conversion is declared in public then such a person has to face severe consequences and he would be legally declared non-Muslim and liable to be killed....
- If the case is not declared and such conversion remains secret then ... such a person escapes legal punishment but still faces mental torture and prejudicial treatment. (2 Nov. 2009)

"In a telephone interview with the Research Directorate, the Eastern Canada Regional Amir corroborated that some people do not advertise their conversion to the Ahmadi faith (Ahmadiyya Muslim Jama'at Canada 28 Oct. 2009)." **[12o]**

19.99 The USSD IRF Report 2010 stated that discrimination on the admission of Ahmadis to higher education institutions continued to exist." **[3l] (Section II: Restrictions on Religious Freedom)**

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CHRISTIANS

19.100 The HRCP Report 2009 stated:

"As the militancy surged in the northwestern parts of the country, enforced migration and displacement of thousands of Christians from Swat valley, Peshawar, Mardan, Nowshera and FATA [Federally Administered Tribal Areas] was reported following

threats to them to convert to Islam or face death issued by the militants. Forced to take refuge with their relatives in Punjab and Sindh provinces, these families faced immense hardships as the government could not provide adequate succour. At the same time many Christian families victims of the blasphemy law were forced to live in hiding in attempts to save their lives. There was little change in their social ostracization." **[27c] (p124)**

19.101 The HRCP Report 2009 noted that "In January [2009], Adiala jail became the first prison in the country to have a church on its premises. The jail authorities had provided land for the church and the local Christian community provided the Rs [Rupees] 1.2 million needed for constructing the building for around 250 Christian prisoners in the jail." **[27c] (p99)**

See also Section: Prison Conditions

Demography

19.102 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." **[3f] (Section I: Religious Demography)**

Violence and discrimination against Christians

For legislation discrimination against Christians see subsections above on Blasphemy Laws and Hudood Ordinances

19.103 The USSD IRF Report 2010 observed that the Ministry of Minority Affairs, responsible for the protection of religious minorities, was headed by a Roman Catholic, Shahbaz Bhatti. **[3l] (Section II: Legal/Policy Framework)** However, the same report added that violence against minorities increased, including against Christians. **[3l] (Introduction)** The report also noted that during its reporting period eight Christians were alleged to have committed offences under the blasphemy laws. **[3l] (Section II: Abuses of Religious Freedom)**

19.104 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)**

19.105 Reporting on the Gojra attack, the HRCP Report 2009 stated that:

"Seven Christians, including three women and children were burnt alive in the incident. In Lahore and Karachi, peace activists, teachers, lawyers, students, doctors and members of civil society condemned violence, extremism, and intolerance. People from all walks of life expressed solidarity with the religious minorities and sympathy with the Gojra victims and demanded immediate government action against those responsible for killing the innocent citizens." **[27c] (p157)**

19.106 Reporting on 23 November 2010, Human Rights Watch stated that on 8 November 2010, the death penalty was imposed on a Christian woman after she was charged under the blasphemy law in June 2009 following an altercation with fellow farm workers. The report noted "She is the first woman in Pakistan's history to be sentenced to death for blasphemy, though others have been charged and given lesser sentences." **[7g]**

19.107 With regards to the sentencing of the Christian mother of four, Asia Bibi, President Zardari was barred from pardoning her as the court was already hearing an appeal against her sentence. (*The Guardian*, 29 November 2010) **[92a]**

See also section Death Penalty

19.108 The USSD IRF Report 2010 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 "The NCJP noted abductions and forced conversions of Christians and Hindus were on the rise. It reported that in December 2009, 20 Christians and 21 Hindus were forced to convert to Islam during the year, of whom 15 were men, 13 women, and four children. In March 2010 the Human Rights Commission of Pakistan estimated that as many as 20 to 25 girls from the Hindu community were abducted every month and forcibly converted to Islam." **[3l] (Section II: Forced Religious Conversion)**

19.109 The USSD Report 2009 recorded that Christians, amongst other minority groups, were "...subject to violence and harassment..." and reported "…significant discrimination in employment and access to education, including government institutions." **[3b] (Section 2c)** Although the USSD IRF Report 2010 noted that "There were no reports of discrimination against Christians when they applied for entry to universities and medical schools." **[3l] (Section III)**

19.110 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." **[3f] (Section III: Societal Abuses and Discrimination)**

19.111 The USSD IRF Report 2010 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 brick-making and agricultural sectors. Christians and Hindus were disproportionately victims of this illegal practice." **[3l] (Section II)**

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SHI'A AND SUNNI MUSLIMS

19.112 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." **[35e]**

19.113 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." **[35e]**

Demography

19.114 The USSD IRF Report 2010 noted that the majority of Muslims in the country are Sunni, with Shi'a representing approximately 25 percent. **[3l] (Section I)** The USSD IRF Report 2009 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." **[3c] (Section II: Forced Religious Conversion)** Shi'a followers claimed the Shi'a were "... split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought." (US Department of State International Religious Freedom Report 2006 – USSD IRF Report 2006) **[3f] (Section I)**

19.115 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." **[3f] (Section I: Religious Demography)**

Sectarian Violence

19.116 The USCIRF Report 2010 noted that:

"Over at least the past decade, Pakistan has suffered from sectarian and religiously-motivated violence, much of it committed against Shi'a Muslims by Sunni extremists, but also against Ahmadis, Christians, and Hindus. Beginning in early 2008, armed extremists, some of whom have ties to Al-Qaeda or to the Afghan Taliban, intensified their attacks, including bombings... By early 2009, Sunni extremists gained effective control in large portions of rural northwestern Pakistan, where they killed hundreds of Shi'a civilians, imposed a harsh, Taliban-style of justice, and displaced Shi'a, Sikh, Hindu, and other minority populations." **[53a] (p93)**

19.117 Jane's Sentinel Country Risk Assessment for Pakistan noted in its chapter on Security, updated 2 December 2010, 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 2009, and is set to persist through the course of 2010." **[1a] (Social stability)**

19.118 The HRCP Report 2009 recorded a number of attacks that occurred against Shias during 2009:

"At least 7 out of 108 suicide attacks targeted Shia congregations killing at least 218 people and injuring hundreds of others. Sectarian bloodshed was more pronounced in Quetta and Kurram Agency. In 48 sectarian tribal clashes in Kurram, Khyber and Qrakzai Agencies, 282 people were reported killed and 373 injured. Some major sectarian attacks were:

"Early in 2009, a warning against the promotion of shrine culture was delivered to the management of the shrine of Sufi poet Rehman Baba in the Akhund Baba graveyard of Peshawar. Soon afterwards the 17th century mausoleum was seriously damaged in an explosion.

"On February 5, at least 32 people were killed and 48 others wounded when a suspected suicide bomber blew himself up amidst a crowd of Shia worshippers outside a mosque in Dera Ghazi Khan. On March 2, six people were killed and 12 others, mostly students, sustained injuries in a suicide attack on a madrassa (seminary) in Kili Karbala in the Pishin District. Several top leaders of JUI-F [Jamiat-i-Ulema-i-Islam – Fazal-ur-Rahman] were attending a ceremony at the seminary when a 15-year-old boy blew himself up in front of the stage. However, all the JUI-F leaders escaped unhurt.

"On June 22, three Shias, including a union council chief Talib Agha, were killed in Quetta by unidentified men. Unidentified armed men opened fire on Talib, Union Council 47 chief in Quetta, when he was on his way home with his driver and security guard.

"On September 18, at least three persons sustained bullet injuries during a sectarian clash which erupted at Iftar time in the precincts of Soldier Bazaar Police Station at Karachi, Sindh. The clash took place between the Shia community and the people belonging to the Deobandi school of thought over the use of loudspeaker during Iftar." **[27c] (p29-60)**

19.119 The USSD IRF Report 2010 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 Minister for Minority Affairs, religious institutions, and nongovernmental organizations continued to organize interfaith meetings and dialogue sessions in an attempt to reduce violence against minority communities." **[3l] (Section II: Legal/Policy Framework)**

19.120 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 Sipah-i-Mohammad Pakistan (SMP). SSP and LJ targeted both Shi'a and Barelvis, whereas SMP targeted Deobandis." **[3l] (Section II)** Relations among religious communities remained tense. Violence against religious minorities and between Muslim sects continued." **[3l] (Section III)**

19.121 The USSD IRF Report 2010 cited several examples of sectarian violence during its reporting period (July 2009 to June 2010):

112 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

"On February 20, 2010, members of the Sipah-e-Sahaba anti-Shi'a extremist organization, disguised among Deobandi protestors, fired upon a Brailvi religious procession in Faisalabad... In January 2010 militants blew up six shrines and exhumed the body of a spiritual leader in Stori Khel area of Orakzai Agency... On December 27, 2009, a roadside bomb exploded near a Shi'a religious procession in Karachi. At least 26 persons were injured. The bombing was attributed to the terrorist group Lashkar-e-Jhangvi. On December 29, 2009, a suicide bomber attacked a second Shi'a religious procession in Karachi, killing 25 persons and injuring more than 50... On September 2, 2009, two unidentified gunmen attacked the convoy of Religious Affairs Minister Hamid Seed Kazmi, killing Kazmi's bodyguard and shooting the minister in the leg. Minister Kazmi is a prominent Brailvi religious scholar and a vocal critic of the Taliban. Brailvi leaders blamed Taliban insurgents for the attack." **[3l] (Section II)**

19.122 The website of the South Asian Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan for 2009 (based on news reports), stating that there were 106 incidents, 190 deaths and 398 people injured. From January to October 2010, SATP recorded 49 sectarian incidents, 457 deaths and 1087 people injured. **[61a] (Sectarian Violence in Pakistan)**

19.123 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]**

See also Security situation: Sectarian violence

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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 2009* (USSD Report 2009) 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." **[3b] (Section 5)**

BALOCH

20.03 Minority Rights Group International recorded in its Pakistan profile on the Baloch (Baluch) people, updated June 2009, 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." **[88b]**

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: Security situation: Militant Activity: Balochistan

HAZARAS

20.06 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, on violence against the Hazara-Shia community in Balochistan. The report stated:

"More than 260 people belonging to Hazara community in Quetta had been killed in target shooting and more than 1000 people suffered injuries since 2003. The Hazara community believed that security agencies and the government were protecting and patronising the perpetrators of crimes against the Shia community. As an example, they presented the case of two convicted criminals, Usman Saifullah Kurd and Shafeeq Rind, belonging to the anti-Shia organization, Lashkar-i-Jhangvi, who had mysteriously escaped from a well-guarded jail of Anti-Terrorist Force (ATF) in Quetta Cantonment where no one could enter without a pass, implying they were helped by some elements within the security agency.

"A number of lawyers belonging to Shia Hazara community were killed in targeted shootings during the year 2009. Sectarian hit men were said to be responsible; they had declared in courts that on release they would again kill Shias. The Shia-Hazara community seemed to have lost trust in the provincial government's capability of bringing perpetrators of the crime to justice." **[27c] (p132)**

20.07 The *Daily Times* reported on 6 February 2009 that:

> "Hazara tribesmen in Balochistan, numbering around 300,000, are currently living under unprecedented terror, uncertainty and insecurity.
>
> "The tribe, residing in Balochistan for more than a century, have been subject of discrimination by the majority Balochs and Pashtuns due to their ethnic background and religious affiliations. While a majority of Hazaras is Shia, local Baloch and Pashtun are Sunnis. The Hazaras in Quetta have been targeted by some religious quarters for some time now, with more than two dozen men from the minority tribe having been killed in the last two months. Lashkar-e-Jhangavi (LJ), a banned Sunni organisation has accepted responsibility for most of the killings.
>
> "The common notion that the LJ was solely targeting Shia scholars was negated when it claimed responsibility for the January 26 murder of Hussain Ali Yousafi, chairman of the Hazara Democratic Party (HDP) - an accepted and acclaimed secular and democratic leader." **[55a]**

MOHAJIRS

20.08 The website Minorities at Risk (MAR), accessed 3 December 2010, reported that, constituting eight per cent of the population, the Mohajirs, literally meaning 'refugee':

> "... are the Urdu-speaking Muslims who fled India after the 1947 partition of the sub-continent and their descendents. Group members are concentrated in Sindh Province, particularly in urban areas... [They] are primarily Sunni Muslims, though some are Shi'a. However, most Mohajirs' primary identity is not religious but revolves around their 'outsider' status. Competition with native Sindhis has defined Mohajirs' political and economic situation in Pakistan more than any other factor... Mohajirs are mainly represented by the MQM and its various factions." **[32a]**

Formation of the Mohajir Qaumi Movement (MQM)

20.09 The website Global Security.org, accessed 3 December 2010 reported that:

> "The Muttahidda [Mothaidda] Quami Movement (MQM), formerly known as the Mohajir Quami Movement, is a political group which represents the Urdu-speaking immigrant urban Mohajir population... The Mohajir Quami Movement [MQM] came into being on March 18, 1984 as the 'All Pakistan Mohajir Students Organisation' (APMSO) but politically it was activated in 1986. The Head Office of MQM – generally known as 'Nine Zero' – is in Karachi. Khidmat-e-Khalq Foundation (KKF) is a charitable organisation affiliated with MQM." **[63a]**

20.10 The same source noted that:

> "The Muttahida Qaumi Movement-Altaf (MQM-A) [led by Altaf Hussain (Europa World online, accessed 3 December 2010) **[6] (Government and politics: Political organisations)**] has been widely accused of human rights abuses since its founding two decades ago... the MQM-A was heavily involved in the widespread political violence that wracked Pakistan's southern Sindh province, particularly Karachi, the port city that is the country's commercial capital. MQM-A militants fought government forces, breakaway MQM factions, and militants from other ethnic-based movements." **[63a]**

20.11 Global Security.org also noted "In 1992, a breakway MQM faction, led by Afaq Ahmed and Aamir Khan, launched the MQM Haqiqi (MQM-H), literally the 'real' MQM. Many Pakistani observers alleged that the MQM-H was supported by the government of Pakistan to weaken the main MQM led by Altaf Hussein..." **[63a]**

20.12 Jane's Sentinel Country Risk Assessments noted in its section on Security, updated 2 December 2010, that the Mohajir's main representative was:

"... the United National Movement (Muttahida (initially Mohajir) Qaumi Movement: MQM). Throughout the mid- to late 1990s, the MQM effectively wrought considerable violence across Karachi, targeting police and government officials and their families. The MQM is divided between a parliamentary wing that has gained representation in the provincial legislatures and National Assembly and a terrorist wing campaigning for greater autonomy and/or separatism. The campaign against the MQM-supporting terrorist groups has been largely successful, but Karachi remains a particularly violent city, with several ethnic groups involved in acts of terrorism against each other and the state. Hundreds of people have died in politically motivated attacks since January 2010. Most recently, more than 50 people were killed when violence broke out on 16 October during a by-election for a provincial assembly seat that was previously held by local MQM politician Raza Haider, who was murdered in a Karachi mosque on 2 August." **[1a] (Social Stability)**

See also Political affiliation: Politically motivated violence

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

LEGAL RIGHTS

21.01 The full text of Section 377 of the Pakistan Penal Code 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." **[21a]**

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 [Applied Socia-Economic Research] 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 transexuals in Pakistan, including a journalist and producer from the private television station, Geo TV, who had made a documentary on the subject. Following this consultation, the FCO noted in a letter to the UK Border Agency (then the Border and Immigration Agency), dated 6 February 2008, 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 [transexuals] too." **[11f] (Paragraph 1)**

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.07 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, cited that "Homosexual intercourse is a criminal offense; in practice the government rarely prosecuted cases. Gays and lesbians rarely revealed their sexual orientation, and there were no cases brought to the courts during the year of discrimination on the basis of sexual orientation." **[3b] (Section 5)**

21.08 Reuters India reported on 25 May 2010 that police in Peshawar arrested an entire wedding party, including the bride and groom, at a ceremony between a man and a transgender person, stating they had "...registered a case against them for promoting homosexuality in the society." However, the so-called groom claimed the party was for his birthday. The pair were remanded in custody for two weeks. The article also noted "Community leaders estimate the number of hijras in Pakistan at about 300,000." **[10a]**

21.09 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]**

21.10 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)**

SOCIETAL TREATMENT AND ATTITUDES

21.11 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]**

21.12 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]**

21.13 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]**

21.14 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]**

TRANSGENDER/TRANSEXUALITY

21.15 The USSD Report 2009 stated that "Society generally shunned transvestites, eunuchs, and hermaphrodites – referred to as hijras. They often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some were also involved in prostitution. Hijras were often denied places in schools or

admission to hospitals, and landlords often refused to rent or sell property to them. Their families often denied them their fair share of inherited property." **[3b] (Section 6)**

21.16 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)**

21.17 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)**

21.18 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 there [sic] communities are relatively more accepted." **[11f] (Paragraph 2)**

21.19 The letter further noted that if a transexual committed a crime the treatment given out by law would be the same as other offenders. **[11f] (Paragraph 9)**

21.20 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)**

21.21 The journalist and producer from GEO TV said that they had spoken to several transexuals 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 [transexuals] 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)**

21.22 The Gender Interactive Alliance (GIA) Pakistan stated on its website, accessed 9 September 2010, that it was "... an organization working for the equality and civil rights of transgender people in Pakistan." The GIA stated that "Transgender persons do not have the same level of rights as other Pakistanis. They are also routinely harassed, face discrimination, and in some cases are subjected to violence simply for being transgender." **[8a] (About)**

21.23 The same source added:

"Among our foremost projects is to lobby the government of Pakistan for: recognition of transgender people as equal citizens of Pakistan; providing free medical care to transgender people who are routinely denied public healthcare; and enabling entrepreneurship by providing economic opportunities for transgender people who are, by and large, left out of the mainstream economy. We also aim to provide a safe space for these people online so that their stories and experiences are not erased from our collective cultural experience." **[8a] (About)**

21.24 The GIA noted that it provided the following services under its Awareness Programme:

"In-centre services:

- Provide basic education to transgender people regarding their health issuses [sic].
- Provide awareness to transgender people about their basic rights.
- Provide information about job related matters to transgenders.
- Provide condom education and distribution
- Provide primary health-care curative services and services for stis [sexually transmitted infections] ... based on syndromic management using national guidelines
- Provide education on sexual health and STI'S (sexual transmitted infections), and access to acceptable and appropriate services for STI'S
- Provide access to voluntary counseling [sic] and testing services."

"Out-reach services:

- To visit the trans-gender people along road-sides, under the bridges, in public parks and play-grounds, around railway stations and bus stops and at their homes to:
- Tell them about the risk of HIV/AIDS,STI'S
- Educate them about safe sex so that they may be aware of the spread of HIV/AIDS through sexual activity including proper usage of condoms.
- Guiding them on available alternative means of employment
- Providing them access to basic education." **[8b] (Awareness programme)**

21.25 Radio Free Europe/Radio Liberty (RFE/RL) reported on 8 June 2010 that the Shemale Rights Foundation, based in Khyber Pakhtunkhwa (formally North West Frontier Province), was a new group, the first of its kind in the region, aimed at "... representing Pakistani transvestites, transsexuals, and eunuchs..." and was "... demanding greater rights protection for the community..." The article quoted newly elected chairperson, Farzana, who said "'There is a long history of discrimination against us. We are a laughing-stock for people and they make fun of us. Police officials most often forcefully arrest our community members and take them to the police station... They arrest us for nothing and there is no one to speak for us. Now we ourselves will fight for our rights'." **[9a]**

21.26 RFE/RL noted that "No reliable data exist, but Farzana said an estimated 10,000 hijras live in the region. Last week, hijras protested in Peshawar about what they called the heavy-handedness of police." **[9a]**

21.27 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In December [2009], a three-member bench of the SC [Supreme Court], headed by the CJ [Chief Justice], advised the government to employ trans-sexuals to recover loans from defaulters as was done in India and to ensure their inheritance rights as duly guaranteed in the constitution. Earlier, in November, the SC had directed the government to formulate a policy for ensuring the rights of trans-gender individuals and creating job opportunities for them. Before that, in August, SC had directed federal and provincial governments to provide protection and free of cost health and education facilities to trans-sexuals and submit report to the apex court on implementation of its directions. The court was hearing a petition filed by an Advocate against, what he said, the social injustice committed to the transgender individuals." **[27c] (p42)**

21.28 However, regarding the ruling on trans-gender rights, 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." **[11l]**

21.29 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]**

21.30 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 2009* (USSD Report 2009), published 11 March 2010, stated that:

"The law provides for equality of the rights of persons with disabilities. There are employment quotas at federal and provincial levels that require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice, this right was only partially protected due to lack of adequate enforcement mechanisms. Families cared for most individuals who had physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

"Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided job placement and loan facilities as well as subsistence funding. The Council also operated the Pakistan Society for the Rehabilitation of the Disabled, which provided rehabilitation, vocational training, and medical support to persons with disabilities.

"On August 10, President Zardari launched the 'Special Persons-Special Cards' initiative under which persons with disabilities received reduced prices for a number of services, including transportation and financial services. The initiative also undertook measures to provide them with greater physical access to public facilities.

"There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs." **[3b] (Section 5)**

22.02 In a list of frequently asked questions (FAQs), Pakistan's Ministry of Health website, accessed 3 December 2010, described the services that were available via the 'National Institute for Handicapped,' which offered treatment and medical rehabilitation for the disabled. Rehabiliative 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)**

23. WOMEN

OVERVIEW

23.01 The Human Rights Commission of Pakistan (HRCP) stated in its report, *The State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In 2009 women in the country continued to face multiple challenges resulting from tyrannical social norms, anachronistic traditions and failure of the government to introduce basic institutional reforms. More than 900 women fell victim to rape while more than 600 were killed in the name of honour. On the other hand, during the year under review, the Taliban destroyed at least 200 girls schools in Swat and other places in NWFP [North West Frontier Province].

"During the year under review, the government failed to take any policy initiative for women's greater economic and political participation in the society, but thanks to the efforts of women law-makers a couple of women-related bills were adopted in the lower house. In the new year (2010), these bills went through both houses of parliament and became laws." **[27c] (p186)**

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) **[40b] (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." **[40b] (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. **[40b] (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. **[40b] (p3-8)**

23.06 The UN Committee on the Rights of the Child noted in its concluding observations to Pakistan's report regarding the UN Convention on the Rights of the Child (UNCRC), dated 19 October 2009, that:

"The Committee remains extremely concerned at the evidence of serious discrimination against women and girls in the State party, as attested by the acute gender differentials in infant mortality rates and school enrolment rates and the continuing existence of early marriages and exchanges of girls for debt settlement, domestic violence affecting women and girls, and other such situations including bonded labour and economic exploitation of girls... there seems to be little or no improvement in the country." **[79c] (paragraph 28)**

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LEGAL RIGHTS

23.07 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] (Part II, Chapter 1, Section 25)**

23.08 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009) 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." **[3b] (Section 5)**

23.09 Amnesty International stated in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that "The reliance on jirgas under the FCR [Frontier Crimes Regulation] in practice discriminates against women by providing them no access to the tribal councils that in the case of many disputes may decide their fate and whose procedures include few or no rights or protections for those affected." **[13e] (p28)**

See also Judiciary: Federally Administered Tribal Areas

Women's Protection Act

23.10 On 1 December 2006 President Musharraf signed into law the Women's Protection Act (WPA). (USSD IRF Report 2008) **[3m] (Section II)** The US Department of State *International Religious Freedom Report 2010* (USSD IRF Report 2010), stated "Until the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act, cases of rape and adultery were also heard under the Hudood Ordinance, which led to numerous abuses against women. The 2006 law moved these cases to secular rather than Shari'a courts; thousands of women have now been released from jail, although social ostracism continued in some cases." **[3l] (Section II)**

See also subsection Assistance available to women

23.11 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)

23.12 The USSD Report 2009 noted that:

"The Women's Protection Act (WPA) 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 WPA, police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's 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 continued to assert 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 WPA rather than the Hudood Ordinances." **[3b] (Section 5)**

23.13 The UN Committee on the Rights of the Child report, dated 19 March 2009, stated that:

"Amendments have been made in the Hadood [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] (paragraph 32)**

See also Sections Judiciary: Hudood Ordinances, Freedom of Religion: Hudood Ordinances and Children: Childcare and protection

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POLITICAL RIGHTS

23.14 The USSD Report 2009 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. In 2008, 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. One-third of the seats were reserved for women 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." **[3b] (Section 3)**

23.15 However, the Asian Human Rights Commission 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)**

23.16 The International Federation for Human Rights (FiDH) reported on 3 November 2010 that it welcomed "...election of its Vice-president, Ms Asma Jahangir, as president of Pakistan's Supreme Court Bar Association. She is now the first woman to lead the most prestigious association of the legal community in Pakistan... The election of Asma Jahangir to the Supreme Court Bar Association constitutes an important step not only for the defence of the independence of the judiciary but also for the defense of human rights in general in Pakistan." **[24a]**

23.17 The HRCP Report 2009 stated that "In 2009, the abolition of the local government system of 2001 came as a setback to women's participation in the political process. The system, for the first time in the history of the country, had given women 33 per cent representation at the local level and provided them an opportunity to participate in decision-making. At many places, women councillors had played an active role in addressing women's complaints and providing relief to women victims." **[27c] (p187)**

23.18 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)**

23.19 The HRCP Report 2009 noted:

"A Senate Committee in Islamabad expressed concern over the restrictions imposed on women's participation in the Feb 18, 2008 elections in certain areas of the NWFP, FATA [Federally Administered Tribal Areas], Punjab and Sindh and criticized local leaders for having agreed to the violation of election rules and women's rights. It also criticized the local political leaders for being a party to the undemocratic move to prohibit women from exercising their right to vote. It directed the Ministry of Law and Justice to suggest measures to encourage women's participation in elections... In the 2008 elections, the civil society organisations had raised concern at significant difference between the number of men and women registered as voters. Out of a total of 80.4 million voters, over 45 million were men, and over 35 million were women.According to non-official estimates, nearly 14 million eligible women were not registered as voters. While the local body elections are likely to be held in 2010, the Election Commission made no effort to remove this discrepancy." **[27c] (p187)**

SOCIAL AND ECONOMIC RIGHTS

23.20 The HRCP Report 2009 stated:

"Women were very hopeful of positive developments after the induction of the democratic government, particularly with regard to the enunciation of a national employment policy for women and women's participation in the economy. The new government had also promised legislation to enable women to have legal ownership of assets and resources and institutional initiatives to prevent crimes against women in the name of tribal traditions. However, the government failed to deliver on its promises.

"The religio-political groups remained vehemently opposed to bringing women into the mainstream. In February the women's wing of Jamaat-e-Islami strongly criticized the decision by the Senate Standing Committee on Women's Welfare to allocate 50 percent job quota for women, terming it highly dangerous and destructive for the family system and values." **[27c] (p188)**

23.21 The Asian Human Rights Commission stated in its report *The State of Human Rights in Ten Asian Nations – 2009* (AHRC Report 2009), published July 2010, that:

"As an explicitly Muslim state, the women of Pakistan are beholden to a number of Islamic principles. For one, the family is seen as the nucleus of society, the fundamental building block from which the rest of society emerges and evolves. Women are seen to be responsible for maintaining the sanctity of the family, and are thus those who are most likely to disrupt this sanctity. As such, the woman becomes the lynch pin of an ordered society; it is on her back that responsibility and power lies, both for her family and by extension, for all of society. While the violence against women enacted in this society occurs for manifold reasons, it seems that this understanding of women as both the lynch pin and the one with the power to unravel society, is a contributing factor to the continual mistreatment of women in Pakistan." **[52a] (p201)**

See also Violence against women

23.22 The HRCP Report 2009 noted that the:

"Benazir Income Support Program (BISP) was formally launched in February in Balochistan with the promise that the incumbent government would empower women financially and reduce poverty in the country. The programme was aimed at emancipating women from economic constraints and enabling them to stand on their own feet as they were better qualified to provide education to their children. Under the BISP, each form holder would receive Rs [Rupees]. 2,000 after every two months and the government will initiate technical and computer education training for children of women in need. The government would also provide soft loans to women in order to enable them to strengthen home economies." **[27c] (p188]**

23.23 Amnesty International noted in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that:

"The Pakistani Taleban systematically imposed restrictions on women's activities, their movement or employment outside the home. The Taleban's systematic discrimination against women was notable even by the standards of conservative religiosity practiced in FATA and NWFP. Dozens of people, men and women, from different FATA Agencies complained to Amnesty International that the new rules imposed on women and girls by the Taleban were a primary reason for their fleeing their homes.

"In Khyber Agency, in November 2008, the Taleban threatened local women who were going to the offices of NADRA (the National Database and Registration Authority, which provides new registration for Pakistanis), as it was registering women for the Benazir Income Support Program. Taleban forces were apparently angry that the office took photographs of women beneficiaries for identification and registration. One man told Amnesty International: 'There were no women at the NADRA office to take photograph of the local women for the registration cards. All the other staff was male. And this is why the militants, and also the local tribesmen, opposed the women's [sic] visiting the NADRA office... Posters were pasted on walls in Landi Kotal warning people not to send women to the NADRA office. The handwritten posters said the practice of taking photographs of women is un-Islamic and males should not allow their women to visit the NADRA offices. The writings warned that they would take action if someone defied the orders.

"The Taleban's efforts to bar women from registering for new national identification cards meant that they were essentially outside the government's official records — an omission that created significant problems later when many women fled conflict-affected areas but could not register to receive government relief services, including food, shelter and medical assistance because they lacked the requisite documents..." **[13e] (p41)**

See also Sections: Security situation: Pakistani Taliban, and Citizenship and Nationality

23.24 The HRCP Report 2009 noted that "Most women in Pakistan worked in the informal sector often as home-based workers. Domestic workers, usually illiterate and unskilled, were not covered by the labour laws and because of that they were forced to work for long hours for extremely low wages. Home based women workers did not receive any protection or coverage from law..." **[27c] (p228)**

23.25 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

23.26 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]** The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband. **[31]** 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. **[21b]** The USSD Report 2009 stated "Parliament outlawed forced marriages in February 2007, but implementation of the law remained a problem." **[3b] (Section 6)**

23.27 The USSD IRF Report 2010 noted that:

"The government does not recognize either civil or common law marriage. Marriages were performed and registered according to one's religious group. The marriages of non-Muslim men remained legal upon conversion to Islam. If a non-Muslim female converted to Islam, and her marriage was performed according to her previous religious beliefs, the marriage was considered dissolved. Children born to Hindu or Christian women who converted to Islam after marriage were considered illegitimate unless their husbands also converted. The only way the marriage can be legitimated and the children made eligible for inheritance was for the husband to convert to Islam. The children of a Muslim man and a Muslim woman who both converted to another religious group were considered illegitimate, and the government can take custody of the children. The registration of Hindu and Sikh marriages has been a long-standing demand of these communities. In May 2009 the Scheduled Caste Rights Movement (SCRM) demanded legislation for Hindu marriage registration during a seminar in Islamabad. The minorities' representatives were of the view that in the absence of Hindu and Sikh marriage registration, women faced difficulties in getting a share of their parents' and husbands' property, accessing health services, voting, obtaining a passport, and buying or selling property." **[3l] (Section II)**

23.28 The website everyculture.com, accessed 10 November 2010, stated, in an undated report on Pakistan, that:

"One form of a Muslim marriage involves a *nikah*, a formal legal document signed by the bride and groom in front of several witnesses; this establishes that the couple is legally married.

"There are other Muslim marriage traditions as well. One includes the *mayun* or *lagan* which takes place three or four days before the marriage and starts with the bride retiring to a secluded area of her home. On the day before the marriage there is a *menhdi* ceremony, when the bride's hands and feet are painted with henna. When the marriage ceremony takes place it is required that at least two witnesses be there, and all the guests offer a short prayer for the success of the marriage. After the ceremony,

dried dates are distributed to the guests. Wedding customs vary somewhat among provinces, but the Muslim marriage is seen as uniting both families as well as the couple.

"Each tribal group also has certain ceremonies that are an important part of the marriages within that group." **[94a] (Marriage, Family and Kinship)**

23.29 The USSD IRF Report 2008 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." **[3m] (Section II)**

23.30 Also on the subject of marriage the USSD Report 2009 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." **[3b] (Section 1f)**

23.31 On marriages by proxy, a Foreign and Commonwealth Office official from the British High Commission (BHC) in Islamabad stated in an email dated 10 November 2010 that:

"... proxy (telephonic) marriage is acceptable in Islam and also under the Muslim Family laws ordinance 1961. The condition is that both the parties (Bride and the Groom) should be present at both ends with their witnesses. Whereas in Ahmadis the proxy marriage can be contracted even without the presence of the bride and the groom and with only the presence of their Waliys (representatives).

"If a marriage is contracted with one of the above procedures and the marriage certificate has all the necessary attestations and is registered with the concerned authorities it can be considered as a valid marriage." **[11n]**

23.32 A further email from an official in the Consular Section of the BHC, dated 9 November 2010, stated "Consular Section... do not recognise a proxy marriage done where one of the party was in the UK, and the other was in Pakistan." **[11o]**

23.33 The same source also reported 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 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." **[3b] (Section 5)**

23.34 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]**

23.35 With regard to inheritance laws, the USSD Report 2009 observed that the law "…discriminates against women. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal entitlement." **[3b] (Section 5)**

23.36 The same source stated:

"The World Bank released a study in 2007 indicating that approximately one-third of marriages in rural areas were 'watta satta,' exchange marriages in which men marry each other's sisters. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, 'women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes.' Human rights groups such as the HRCP criticized the practice, noting that 'these marriages treat women as a commodity, and tension within one household also affects the other'." **[3b] (Section 5)**

23.37 The USSD Report 2009 further noted that "In rural Sindh landowning families continued the practice of 'marriage with Koran' 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." **[3b] (Section 5)**

23.38 The Freedom House *Freedom in the World Pakistan 2010* report also noted that "The tribal practice of *vani*, in which women are offered in marriage to settle blood feuds, continues to occur in certain areas despite being outlawed in 2004. Other illegal forms of child and forced marriage also remain problems. Most interfaith marriages are considered illegal, and the children of such unions would be illegitimate." **[5a]**

23.39 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 18 November 2010, 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 is 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..." **[3i]**

See also Sections: Children: Legal rights and Underage/forced marriage, and Freedom of religion: Inter-faith marriage

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Women in the workplace

23.40 The USSD Report 2009 observed with regard to women's rights at work that "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." **[3b] (Section 5)**

23.41 The HRCP Report 2009 stated with regards to recently introduced legislation that:

"In October [2009], the government introduced the 'Protection Against Harassment at the Workplace Bill 2009' in the National Assembly aimed at eliminating violence and harassment at workplaces. This was in addition to the proposed amendments in the PPC [Pakistan People's Party] and Cr.PC [Code of Criminal Procedure] pertaining to harrassment and aimed at setting up a mechanism to address harassment cases at the workplace. The Bill proposed a code of conduct for all employees, including management and the owners of organizations, to ensure a work environment free of harassment and intimidation. The new law sought to bind every organization to set up a three-member regulatory body (at least one of whom would be a woman) which would be authorized to conduct inquiries while looking into complaints of harassment. An office of Ombudsman would also be created in the second tier in this regard. According to estimates, sexual harassment takes place in 90 per cent of the factories, particularly the garment, pharmaceutical, packaging and knit-wear industries which employ large numbers of women and children. The same goes for women working in brick kilns or as domestic servants. The bill was adopted by the National Assembly and the Senate in 2010." **[27c] (p187)**

23.42 The HRCP Report 2009 also noted "The government succeeded in pushing the Criminal Law Amendment Bill through the National Assembly. The measure aims at amending the Pakistan Penal Code and the Criminal Procedure Code so as to define the offence of sexual harassment more adequately than has been possible so far and proposes

enhanced punishment for offenders... (The bill was passed by the Senate and it also received the President's assent in the new year)." **[27c] (p187)**

23.43 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)**

SOCIO-ECONOMIC INDICATORS

23.44 The World Health Organisation (WHO) country profile of Pakistan, last updated August 2010, listed a number of socio-economic statistics for men and women. Based on figures from 2009, girls/women are less likely to be educated than boys/men (83 per cent of girls were in primary school, 36 per cent in secondary school, compared to 97 per cent and 55 per cent of boys respectively) and have lower literacy rates than men (44 per cent of women over 15 years are literate; compared to 69 per cent of men). **[14a]**

23.45 The WHO country profile of Pakistan also provided some basic healthcare data that directly related to women with access to primary health care services: antenatal care was provided to 100 per cent of the population; and 100 per cent of births were attended by "skilled health personnel". **[14a]**

23.46 The HRCP Report 2009 stated with regards to the gender gap in Pakistan that:

"The Gender Gap Index [GGI] is used to measure the level of inequality that exists between women and men through gaps in different indicators. The four pillars of the index are: economic participation and opportunity, educational attainment, political empowerment and health and survival. A GGI study revealed that Sindh had a value of 0.58 in the economic participation and opportunity index, followed by NWFP (0.312) and Balochistan (0.2514). With an index value of 0.1718 Punjab, surprisingly, has the lowest value in economic participation and education. NWFP leads all the provinces in the educational attainment index with a value of [0].249, followed by Punjab with a value of 0.163 and Balochistan representing a value of 0.148. Punjab has the minimum gender gap in the health and survival index with a value of 0.236, followed by NWFP (0.2088) The overall value of [GGI] for Pakistan is 0.551 which is ranked 126th among 128 countries, indicating women's overall low societal status in the country." **[27c] (p189)**

See also Sections: Medical Issues; and Children

SINGLE WOMEN

23.47 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]**

23.48 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]**

23.49 However, in a Response to Information Request dated 26 November 2009, on *Resources available to female victims of violence in Karachi, Islamabad and Lahore*, the IRB noted that, according to a report by the South Manchester Legal Centre (SMLC), dated January 2008, "... the Director of HRCP indicated that women cannot rent accommodations alone in Pakistan (Jan. 2008, Sec. 6.7.1). Médecins du monde [an international humanitarian organisation] similarly indicates that it is not socially acceptable for women to live alone in Pakistan; though the report also indicates that because it is easier to find employment in Lahore, a woman may be able to live independently there (Feb. 2007, 33)." **[12n]**

23.50 The IRB noted in its Response to Information Request, dated 4 December 2007, 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

23.51 The Asian Human Rights Commission stated in its report, *The State of Human Rights in Ten Asian Nations – 2009* (AHRC Report 2009), published July 2010, that:

"As an explicitly Muslim state, the women of Pakistan are beholden to a number of Islamic principles. For one, the family is seen as the nucleus of society, the fundamental building block from which the rest of society emerges and evolves. Women are seen to be responsible for maintaining the sanctity of the family, and are thus those who are most likely to disrupt this sanctity. As such, the woman becomes the lynch pin of an ordered society; it is on her back that responsibility and power lies, both for her family and by extension, for all of society. While the violence against women enacted in this society occurs for manifold reasons, it seems that this understanding of women as both the lynch pin and the one with the power to unravel society, is a contributing factor to the continual mistreatment of women in Pakistan.

"Women face all kinds of violence perpetuated by the state and its agents, ranging from rape, gang rape, torture by state agents, registration of false cases of adultery, killing in the name of honour, Jirga (an illegal and parallel judicial system for the exchange of minor girls in land disputes) no free choice of marriages, restriction of freedom of movement and expression, domestic violence, sexual harassment at the workplace, forceful conversion to Islam, arbitrary punishment for blasphemy, deprivation of property rights, disappearance after arrest and being used as sex slaves in military torture cells. In extreme cases, punishments can include being buried alive or having acid thrown on them." **[52a] (p201-202)**

23.52 In June 2010, the Aurat Foundation released its 2009 annual report *Violence Against Women in Pakistan*, which provided a breakdown of major offences of violence against women in 2009. The report covered the period January to December 2009 and recorded a total of 8,548 cases of violence against women reported in the print media. This was a 13 per cent increase on the 7,571 cases reported in 2008. **[57a] (p7)** Of the 8,548 cases, only 5,996 were registered with the police. **[57a] (p23)**

23.53 The HRCP Report 2009 stated:

"According to the database maintained by HRCP, violence against women registered a sharp increase during 2009 despite low registration of gender-related crimes because of societal pressure and a biased and obstructive police force dominated by men. A total of 1,404 women were murdered. Out of these, 647 women were murdered in the name of 'honour' (including the cases of karo kari) while 757 were murdered for other reasons. A total of 928 rape cases were reported. Some 563 women committed suicide while 253 attempted suicide. One hundred thirty-five (135) women were victims of burning. The domestic violence (including torture, beating, shaving, amputation, murder attempts) cases shot up from 137 in 2008 to 205... Needless to say, young girls were particularly victims of gender-based crimes as they were often treated like tradable commodity (vani) in resolution of tribal fends [sic]." **[27c] (p189)** In its 2009 annual report, the Aurat Foundation reported 608 cases of domestic violence during 2009. **[57a] (p9]**

23.54 Amnesty International's Annual Report 2010 on Pakistan stated that "In NWFP and the tribal areas, Taleban groups closed or burned down girls' schools, forced women to wear a veil and prohibited them from leaving their homes unless accompanied by male relatives. Several women were punished, shot dead or mutilated for alleged 'immoral' activities. Legal redress sought for abuses of women's rights remained difficult to obtain." **[13d] (p253; Violence against women and girls)**

23.55 The HRCP Report 2009 added that "The government failed in its bid to enforce a new law to deal with domestic violence. The Domestic Violence Bill was passed by the National Assembly but it could not pass through the senate within the stipulated 90 days. A cleric, a member of the Islamic Ideology Council and also the Senate, declared that a law banning violence against women would push the divorce rates higher. That gave the government cold feet and it stepped back, allowing the bill to lapse." **[27c] (p187)**

23.56 The same source also noted "Some questions about how the authorities plan to implement the Domestic Violence Bill however remain to be answered. Like the problems in the filing of a report because in most cases women are too scared and have no means to do so. Again, how the protection committee consisting of 'two police officers and two women councilors' will work, given the immense lack of trust in the police department, is unclear." **[27c] (p190)**

23.57 The USSD Report 2009 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." **[3b] (Section 6)**

23.58 The HRCP Report 2009 noted with regards to burnings and acid attacks that:

"The country has no specific law to punish the perpetrators of acid attacks, one of the most alarming and horrific forms of violence against women. AGHS Legal Aid Cell expressed its deep sense of shock over the rising number of burn victims in the country. Monitoring and follow-up visits by AGHS activists from January to March 2009 in Lahore revealed that as many as 68 women had suffered severe burn injuries – eight from acid throwing and sixty from acts of burning. This reflected the government's failure to stop violence and its inability to bring culprits to book. Between April and June 2009, 122 women were burnt in Lahore either by being set on fire or by having acid thrown on

them. In the first 10 months of 2009 (January-October), 313 women had fallen victim to burning and acid attacks across Pakistan." **[27c] (p192)**

23.59 The Aurat Foundation reported 53 cases of acid throwing, resulting in severe burns, and 50 cases of stove burning, during 2009. **[57a] (p21)**

23.60 The UN Committee on the Rights of the Child, Third and fourth periodic reports of States parties due in 2007: Pakistan, dated 19 March 2009 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] (paragraph 138)**

23.61 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 [Human Rights Watch] 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]**

23.62 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]**

23.63 The USSD Report 2009 stated:

"Women who tried to report abuse faced serious challenges. 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." **[3b] (Section 5)**

See also sub-section: Assistance available to women; Sections: Police: Torture, and: Prison conditions

Honour killings

23.64 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:

138 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

"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 [kari] 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]**

23.65 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]**

23.66 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]**

23.67 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]**

23.68 Between January and December 2009, 604 women were recorded as being killed in so-called "honour" killings and 1,384 were documented as murdered. There were a total of 8,548 recorded cases of violence against women in 2009. (Aurat Foundation, 2009

annual report, June 2010) **[57a] (p10)** However, the HRCP Report 2009 recorded the murder of 1,404 women, including 647 honour killings. **[27c] (p189)** Regarding the recording of honour killings, the Aurat Foundation noted that:

"... it can be safely assumed that all such cases are not reported since perpetrators are mostly family members immediate and extended like a husband, a brother or a cousin. In some cases, women are killed by their spouses suspecting extra-marital relations while in others, they are killed for having chosen their husband rather than accepting the one their family chose for them. Often, 'honor' can also be an excuse for a cold-blooded murder. The greatest number of 'honor' killings is committed in the 'karo-kari' or 'kala-kali' tradition. Karo or kala (black man) and kari or kali (black woman) are terms for adulterer and adulteress. A man is entitled to kill his wife and her alleged lover if he declares her 'kari' or 'kali'." **[57a] (pxx)**

23.69 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." **[27a] (p121)**

23.70 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." **[71c] (p37)**

23.71 The Freedom House *Freedom in the World Pakistan 2010* report observed that "Activists have cast doubt on the authorities' willingness to enforce a 2005 law that introduced stiffer sentences and the possibility of the death penalty for honor killings." **[5a]** Commenting on its revised laws for honour killings, the UN Committee on the Rights of the Child report, dated 19 March 2009, 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] (paragraph 137)**

23.72 The USSD Report 2009 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.' Because honor crimes generally occurred within families,

perpetrators were able to negotiate nominal payments and avoid more serious punishment." **[3b] (Section 6)**

23.73 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." **[7c]**

23.74 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: Judiciary: Hudood Ordinances for changes on legislation with regard to rape; also see subsection above: Honour killings

23.75 The USSD Report 2009 stated that "There were no reliable national statistics on rape, due to the serious underreporting of the problem." **[3b] (Section 5)** However, the Aurat Foundation recorded 928 cases of rape and gang-rape, between January and December 2009, in its 2009 annual report. **[57a] (p10)**

23.76 The Freedom House *Freedom in the World Pakistan 2010* report observed that:

"A combination of traditional norms, discriminatory laws, and weak enforcement contributes to a high incidence of rape, domestic abuse, and other forms of violence against women... Female victims of 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 to punish 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. The discriminatory Hudood Ordinances, under which rape victims could be charged with adultery, were reformed with the passage of the 2006 Women's Protection Act. Under the new law, a woman is no longer required to produce four Muslim male witnesses to prove rape, and judges are required to try rape cases under criminal law rather than Sharia. However, extramarital sex is still criminalized, and spousal rape is not recognized as a crime." **[5a]**

23.77 The HRCP Report 2008 reported that:

"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." **[27a] (p124)**

23.78 The USSD Report 2009 noted that:

"Rape, other than by one's spouse, is a criminal offense. An individual 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. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance. On February 11, the Federal Shariat Court invalidated a 25-year-old legal provision allowing a man accused of rape to impeach the credibility of his alleged victim by offering evidence that she was 'of generally immoral character.'

"The Women's Protection Act (WPA) 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 WPA, police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's 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 continued to assert 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 WPA rather than the Hudood Ordinances." **[3b] (Section 5)**

23.79 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 before 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." **[3b] (Section 5)**

ASSISTANCE AVAILABLE TO WOMEN

23.80 In a Response to Information Request, dated 26 November 2009, on the *Resources available to female victims of violence in Karachi, Islamabad and Lahore*, the Immigration and Refugee Board of Canada (IRB) noted that:

"The South Manchester Law Centre (SMLC), in partnership with Manchester Metropolitan University, published a January 2008 report that evaluated the services available to female victims of violence in Pakistan and indicated the following in regard to crisis centres in Pakistan:

"A crisis centre is the first stage of contact for a woman before admission to a shelter. Crisis centres play a crucial role in assessing a woman's needs and the risks she faces. A woman is never turned away without full assessment of her case. If necessary, immediate action is taken to protect her. Lawyers, advice workers and counsellors are available to offer immediate support to women at the centres. After the initial assessment the woman is then referred to a shelter. (Sec. 6.2.1)

"The SMLC report also states that when a woman is accepted into a shelter, shelter staff will immediately inform the woman's family (Jan. 2008, Sec. 6.2.1). Additionally, the report indicates that crisis centre staff assist women with 'mediation and reconciliation' (SMLC Jan. 2008, Sec. 6.2.1)." **[12n]**

23.81 The same source noted that:

"The 2008 SMLC report offers the following summary of shelters in Pakistan: shelters for women are seen as a temporary refuge where they can stay until their problems are resolved. This could be in the form of reconciliation, re-marriage or divorce. There is no provision for aftercare work or rehabilitation except for one refuge in Karachi that actively assists women with rehabilitation. This is done in the form of finding work, re-housing and giving financial assistance for a short-term period. (Jan. 2008, Sec. 6.4)" **[12n]**

23.82 The IRB response continued:

"The report indicates that, in general, the lack of follow-up work is of 'particular concern, because once women have reconciled or are forced to return to their husbands, no contact is maintained with them' (SMLC Jan. 2008, Sec. 6.6). Additionally, the SMLC report indicates that both government-run and private shelters do not admit boys over the age of 5 years with their mothers, whereas previously boys were admitted into shelters until the age of 11 years (ibid., Sec. 6.3). Shirkat Gah's legal department states that male children 10 years of age and older are not permitted to reside with their mothers in government or private shelters (20 Nov. 2009)." **[12n]**

Government Assistance

23.83 The USSD Report 2009 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." **[3b] (Section 1c)**

23.84 On women's police stations in Pakistan, updated 28 September 2009, the UN Secretary-General's database on violence against women noted that:

"According to information provided by the Gender Crime Cell, National Police Bureau Islamabad, the total numbers of women police stations in the country are nine. These are located in: Islamabad, Rawalpindi, Lahore, Karachi, Faisalabad, Larkana, Hyderabad, Peshawar and Abbottabad. Women complaint centers have been established in the existing police stations in Islamabad, Peshawar, Kohat, Hangu, Abbottabad and Chitral, in order to provide prompt assistance to female victims of violence. These centers also provide legal advice and counseling to women. Each center is staffed by female police officers." [However, no evaluation of these centres was known to have been undertaken.] **[36a] (Women Police Stations and Women Complaint Centers)**

See also Section: Police

23.85 The IRB's Response to Information Request, *Resources available to female victims of violence in Karachi, Islamabad and Lahore*, noted that they were provided with the following information, on women's police stations, from Shirkat Gah, a women's resource centre, on 20 November 2009:

"In most city districts, as in Lahore, there is only one Women's Police Station functioning. (In Lahore there are also four women complaint cells established in four police stations i.e. in the Gulberg, Muslim Town, Kotwali and Cantt police stations respectively). It is the responsibility of the designated persons in this police station to take any victim of violence to the concerned hospital for her treatment, to lodge an FIR (First Information Report), to diligently pursue the investigation and then the court hearing. The staff of the Women's Police Station can request assistance from any male police station in the area of the accused/culprit's place of residence.

"The Women's Police Station faces many problems; they have only one vehicle for use with a very limited petrol allowance, they are understaffed and overburdened, and they have been granted less authority than their male counterparts; for example, they cannot register an FIR without the prior approval of the Deputy Superintendent of Police and Superintendent of Police. Even if the case has been registered the following investigation remains problematic. The investigation requires visiting the area of incidence, collecting evidence and arresting the accused, but lack of resources such as staff and transport make the task extremely challenging. No special treatment is afforded to female victims of violence, nor is any modern equipment made available to facilitate addressing their grievances." **[12n]**

23.86 With regard to the availability of centres to assist women, the USSD Report 2009 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 emergency shelters for women in distress, including female police stations and homes run by provincial social welfare departments and NGOs. The district-run centers provided shelter, access to

medical treatment, limited legal representation, and some vocational training. In some cases women were abused at the government-run shelters." **[3b] (Section 6)**

23.87 The UN Secretary-General's database on violence against women noted, with regards to women's centres in Pakistan, updated 28 September 2009, that:

"As at September 2009, the Ministry of Women Development [MoWD] had established 25 Shaheed Benazir Bhutto Centers for Women in order to provide relief/support to women victims of violence. These centers provide services including free legal advice to women victims of violence. The centers are open 24hrs a day and there is a universal access number available to victims of violence in order to obtain prompt access to the shelters. The centers provide shelter for up to 24hrs after which victims are referred to 'Darul Aman' (Centers for women victims of violence established under the Provincial Women Development Departments)." **[36b] (Shaheed Benazir Bhutto Centers for Women)**

23.88 An evaluation of the centres, undertaken in June/July of 2007 by a representative from the MoWD and an NGO, stated that 8,000 female victims of violence had been assisted, mostly to women from poorer sections of society. It was noted, however, that most of the centres were now giving less emphasis on providing women with shelter but more on offering counselling or legal aid, primarily due to a lack of resources. (UN Secretary-General's database on violence against women) **[36c]**

23.89 The HRCP 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 gender sensitive environment." **[27a] (p128, Women, Shelter for women)**

23.90 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)**

23.91 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." **[27a] (p128, Women: Shelter for women)**

23.92 An article published by the Inter Press Service News Agency dated 8 March 2007 reported on help centres to assist women and stated "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. **[16]**

23.93 Following correspondence with a representative of Shirkat Gah Women's Resource Centre, 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." **[12j]**

23.94 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 organisation (NGO) assistance

23.95 The USSD Report 2009 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 and honor crimes." **[3b] (Section 6)**

23.96 The IRB's Response to Information Request on *Resources available to female victims of violence in Karachi, Islamabad and Lahore*, dated 26 November 2009, reported:

"Describing the conditions of NGO services for female victims of violence in general terms, the SMLC report indicates that while some of the NGOs researched are experienced in dealing with women's issues, many NGOs located in urban centres are under resourced and have to limit the assistance offered (Jan. 2008, Sec. 6.7). With respect to legal assistance offered by a small number of NGOs and law firms in urban centres of Pakistan, Shirkat Gah's legal department indicated that 'the number of women they are able to assist is very small in proportion to the number in need' (20 Nov. 2009)." **[12n]**

23.97 The same source noted that:

"The SMLC report provides details on the specific provisions offered by an internationally funded shelter, called Dastak, and a privately funded shelter, called Edhi, that both operate in Lahore (SMLC Jan. 2008, Sec. 6.4). In addition to providing food and shelter, women staying at Dastak and Edhi can access free legal representation (ibid.). The report also describes the services offered at an NGO shelter in Karachi, called Pannah, which also provides food and legal assistance (ibid.). Additionally, both Edhi and Pannah offer free medical treatment (ibid.).

"The SMLC reports that women can stay at Dastak for three months, whereas the Edhi shelter does not have a limit on the duration of accommodations (ibid.). The report also indicates that staff at most shelters encourage women to reconcile with their partners, 'because of the generally held view that women cannot survive without men in Pakistan' (ibid.)." **[12n]**

23.98 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." **[27a] (p128, Women: Shelter for women)**

23.99 The website of the NGO, Lawyers for Human Rights and Legal Aid (LHRLA), under its section on Current Projects, provided 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]**

23.100 The UN Secretary-General's database on violence against women noted that there existed a "...universal access number available to victims of violence in order to obtain prompt access to the [Shaheed Benazir Bhutto Centre] shelters." **[36b]** However, in the 2007 evaluation of women's centres in Pakistan, it was noted that "The 'Helpline Service' does not exist in real terms." **[36c]**

See also Sections Trafficking, and Human Rights Institutions, Organisations and Activists

WOMEN'S HEALTH

23.101 The United Nations Children's Fund (UNICEF) recorded in its report, *The State of the World's Children 2009*, on Pakistan's Lady Health Workers initiative, which stated that a recent evalution had "... shown a significant reduction in perinatal and neonatal mortality and improved care-seeking for skilled maternal care." **[72d] (p57)** The HRCP Report 2009 stated that "The government employed around 85,000 lady health workers, covering

almost 60 per cent population of the country, who had been working in the field to promote health care practices." **[27c] (p212)**

23.103 The HRCP Report 2009 added "The Society of Obstetricians and Gynaecologists of Pakistan says that about 30,000 women die during pregnancy and more than 400,000 suffer from pregnancy related complications every year in Pakistan. The society says women's health will not improve until the basic health care structure in rural areas and city slums is improved." **[27c] (p263)**

23.104 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)**

23.105 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. **[79a] (p8)**

23.106 The HRCP Report 2009 stated:

"The Pakistan Medical Society (PMS) has described anaemia, pregnancy risks, menopausal disturbances and heart disease as major causes of morbidity and mortality among Pakistani women. A 2009 survey showed that more than 50 per cent women suffered from iron deficiency while cardiovascular disease was found to be the leading killer in women. Women with diabetes are two to three times more likely to have heart attacks than men. High blood pressure is also common among women who use oral contraceptives.

"The Society of Obstetricians and Gynaecologists of Pakistan says that about 30,000 women die during pregnancy and more than 400,000 suffer from pregnancy related complications every year in Pakistan. The society says women's health will not improve until the basic health care structure in rural areas and city slums is improved." **[27c] (p262-263)**

23.107 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." **[27a] (p172, Health: Public hospitals)**

23.108 The HRCP Report 2009 cited 563 cases of suicide and 253 attempted suicides amongst women. **[27c] (p189)** The Aurat Foundation recorded 683 suicides of women in 2009 and reported "Violence against women is the main driver behind female suicides." **[57a] (p19)**

See also Section: Medical issues

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24. CHILDREN

OVERVIEW

24.01 The Pakistan Overview on the United Nations Children's Fund (UNICEF) website, accessed 26 November 2010, 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..." **[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 [Gross Domestic Product] 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 The Human Rights Commission of Pakistan stated in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"The infant mortality rate is 73 per 1,000 births; around 20[0],000 children die of diarrhoea every year; nearly 20 per cent of the children suffer from asthma; around 35 per cent to 40 per cent of the children are out of school; 89 per cent of the students – in government schools, private institutions, religious seminaries and non-formal settings – face physical torture; 52 per cent of the children studying in seminaries experience sexual harassment; almost 58 per cent of the girls in rural areas are married before the age of 20; 11 to 12 million children are engaged in child labour." **[27c] (p209-210)**

24.04 However the UNICEF Pakistan Annual Report 2009 noted some positive achievements affecting children:

- "Twice yearly Mother and Child Weeks reached more than 10 million children under five with low-cost high-impact services such as vaccinations, and de-worming; and their parents with messages on health, nutrition, hygiene and seasonal illnesses .
- About 48,600 moderately malnourished children and mothers and 8,000 severely malnourished children were treated at home.
- Water and sanitation services, including hygiene education, were provided in 1,260 schools to 173,000 school children, half of them girls.
- About 4 million children were reached on Global Handwashing Day.
- Enrolment in 2,310 primary schools increased by 19 per cent to over 416,000 contributing to a national increase of 2 per cent.

- In the Thar region of Sindh, 376 schools were reactivated, allowing 123,000 girls to enrol.
- In NWFP [North West Frontier Province], UNICEF helped 30,000 girls continue their education by arranging transportation for women teachers. Another 23,100 children were enrolled in UNICEF-supported feeder schools.
- The Child-Friendly School model was integrated into mainstream primary school guidelines in Punjab. Nation-wide the number of schools following the model rose to 2,310.
- More than 361,000 boys and girls from 30 districts across Pakistan used social services designed to prevent and protect them from abuse, exploitation and other types of violence.
- Birth registration was completed for 90,000 children in Punjab and Balochistan.
- During the IDP [internally displaced persons] crisis, 109,000 people benefited from health services specifically supported by UNICEF and 108 million children were vaccinated against measles. Hygiene kits were distributed amongst 814,000 people and 763,000 benefited from saft water provided by UNICEF. About 28,000 children were enrolled in camp schools, 26,600 were provided with psychosocial care and 31,600 linked with health and other services." **[72b] (p9)**

See subsection Health and welfare

24.05 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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." **[3b] (Section 6)**

24.06 Pakistan signed the UN Convention on the Rights of the Child (UNCRC) on 20 September 1990 and it was ratified on 12 November 1990. It entered into force on 12 December 1990. At the time of ratification, Pakistan made a reservation that the provisions of the UNCRC would be interpreted according to the principles of Islamic Laws and values, although this reservation was subsequently withdrawn. On 26 September 2001, Pakistan signed the Optional Protocol to the UNCRC 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. (UN Treaty Body Database, accessed 29 November 2010) **[40a]**

Basic legal information

24.07 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." **[21b]** The voting age in Pakistan is 18 years old (CIA World Factbook, 9 November 2010) **[4] (Government; Suffrage)** The legal age of marriage for 18 for males and 16 for females. (USSD Report 2009) **[3b] (Section 6)** 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." **[71c] (p44)**

24.08 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 9 November 2010, stated that soldiers could not be sent into combat until they were 18 years of age. **[4] (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 2009) **[3b] (Section 6)** The criminal age of responsibility is seven years old. (UN Committee on the Rights of the Child, 19 October 2009) **[79c] (paragraph 99a)** The Pakistan Penal Code 1860 states "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion." **[21a] (Section 83)**

See also subsection Domestic legislation, Underage/forced marriage, Child labour, and Sections: Military Service; and Women

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LEGAL RIGHTS

24.09 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." (SPARC Report 2006) **[71a]** 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)**

24.10 However, on 19 October 2009, the UN Committee on the Rights of the Child noted in its concluding observations on the combined third and fourth periodic report submitted by Pakistan, following the 1,444th meeting held on 28 September 2009, that it was "... concerned that the scarcity of the human and financial resources of the National Commission for Child Welfare and Development may impede its regular meetings and proper functioning and slow down the implementation of the projects that are under its responsibility, including the National Plan of Action for Children." **[79c] (paragrah 12)**

Domestic legislation

24.11 On 19 October 2009, the UN Committee on the Rights of the Child welcomed some positive developments, including:

"(a) The adoption of the Protection of Women (Criminal Laws Amendment) Act, 2006, which criminalizes violations of women's and girls' human rights;
"(b) The Criminal Law Amendment Act (2004) facilitating the prosecution and punishment of honour killings;
"(c) The adoption of several programmes in the area of basic health and welfare, including the National Hepatitis Control Programme (2005–2010), the National Maternal, Newborn and Child Health Programme (2006–2012), the National Nutrition Programme and the expansion of the Lady Health Workers Programme;
"(d) The 2005 Amendment of the Employment of Children Act expanding the list of hazardous processes and occupations for children; and
"(e) The adoption of the Punjab Destitute and Neglected Children Act, 2004, enhancing the child's protection in this province." **[79c] (paragraph 4)**

24.12 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)**

24.13 However, on 19 October 2009, the UN Committee on the Rights of the Child expressed concern that:

"(a) The Charter of Child Rights Bill, which plans to incorporate all principles and provisions of the Convention into domestic legislation, has not yet been adopted;
"(b) The Child Protection (Criminal Laws Amendment) Bill, which shall protect children against violations of their rights and establish institutions for the protection and rehabilitation of child victims, has not been adopted yet despite its consideration for a number of years;
"(c) The National Commission on the Rights of the Children (NCRC) Bill is still waiting for adoption;
"(d) Legislation relating to child rights is still lacking in the North West Frontier Province (NWFP) [Khyber Pakhtunkhwa], the Province of Balochistan, the

Federally Administered and Provincially Administered Tribal Areas, the Northern Areas [Gilgit Baltistan] and Azad Jammu and Kashmir; and

"(e) The Juvenile Justice System Ordinance (JJSO) is not fully recognized and implemented within the State party." **[79c] (paragraph 8)**

24.14 The same source reiterated its concerns "...about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and sharia law. It notes in particular the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Hadood Ordinances (1979) (until 16 years or puberty)." **[79c] (paragraph 26)**

24.15 A Foreign and Commonwealth Office official at the British High Commission, Islamabad, stated in a letter dated 29 November 2010 that the Child Protection Bill was still awaiting consideration by the National Assembly. "Following the 18th Amendment, child protection and welfare will become provincial subjects. As a consequence the Punjab and Khyber-Pukhtunkwa provinces have passed Child Protection measures during 2010." **[11m]**

24.16 On marriage law, the USSD Report 2009 observed that:

"Despite laws barring child marriage, there was evidence it occurred. LHRLA [Lawyers for Human Rights and Legal Aid] reported 1,006 cases of forced and 'vani' marriages. 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 [Rs] ($1,140 to $2,540) in parts of Sindh and the NWFP. In rural areas poor parents sold children as bonded laborers and sold their daughters into marriage." **[3b] (Section 6)**

See also subsections: Underage/forced marriage and Childcare and protection and Section: Women: Family laws: marriage, divorce and inheritance

24.17 Regarding child labour, the USSD Report 2009 stated that:

"The law protects children from exploitation in the workplace; however, enforcement of child labor laws was weak, and child labor remained a serious problem. The law makes bonded labor by children punishable by as long as five years in prison and as much as 50,000 rupees ($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. 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 a child should have one day off per week. In addition, the law requires employers to keep for labor inspectors' examination a register of children working for them. These prohibitions and regulations do not apply to family businesses or government schools. The law protects all children younger than 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 media, a government directive to ban inspection of industrial units in Punjab prevents detection of child labor. According to the 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 nonagricultural 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 stated that violations were immediately cited and prosecuted; in practice, enforcement efforts were not adequate to meet the scale of the problem. Inspectors have little training and insufficient resources, and are susceptible 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 as much as 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." **[3b] (Section 7d)**

See also subsection Child labour and Section: Employment rights

Judicial and penal rights

24.18 The SPARC report, *The State of Pakistan's Children 2009* (SPARC Report 2009), published April 2010, stated that the Juvenile Justice System Ordinance (JJSO) 2000 defined the age of a child as a person under the age of 18 years old. The JJSO also prohibits the death penalty for individuals under the age of 18. However, the report noted that "The situation unfortunately has not improved much since the introduction of the JJSO. The juveniles continued to be dealt with in a manner that is disproportionate to their age, and the crimes committed by them. The standards set by the JJSO continue to be ignored by the relevant authorities, along with other related laws of Pakistan..." **[71b] (p135)**

24.19 The Committee on the Rights of the Child, in its Concluding observations to Pakistan, dated 19 October 2009, remained deeply concerned that:

"(a) The minimum age of criminal responsibility continues to remain very low (7 years);
(b) Juvenile offenders have reportedly been sentenced to death, very long imprisonment and high fines even after the promulgation of JJSO;
(c) Many of the authorities in charge of JJSO implementation, particularly within provincial Governments and tribal areas, are unaware of its existence;
(d) JJSO is poorly implemented in the country and particularly in the Federally Administered Tribal Areas where the Frontier Crimes Regulation of 1901, which does not take into account child rights and allows, inter alia, for collective punishment, continues to apply;

(e) The number of children in prisons is high, they are often detained in poor conditions together with adult offenders and thus are increasingly vulnerable to abuse and ill-treatment; and

(f) The number of juvenile courts, trained lawyers and probation officers is insufficient." **[79c] (paragraph 99)**

24.20 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)**

24.21 Amnesty International stated in its annual *Report 2010* for Pakistan (covering events between January and December 2009) that "The Juvenile Justice System Ordinance of 2000 remained inadequately implemented. Its provision to detain children separately from adults remained unimplemented." **[13d] (p253; Children's right's)**

24.22 Human Rights Watch stated in its 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." **[7d] (p16)**

24.23 Amnesty International stated in its 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." **[13a] (Death penalty)**

24.24 The Amnesty International *Report 2010* stated that "On 31 August, the Supreme Court suspended an order passed by the Lahore High Court in April under which death sentences would not be imposed on women and juveniles in narcotics cases." **[13d] (p253; Death penalty)**

24.25 The SPARC Report 2009 cited a positive development in 2009 with the creation of the Juvenile Justice Working Group (JJWG), by the Law and Justice Commission of Pakistan. The JJWG, a component of the Juvenile Justice Reform in Pakistan project, held its first meeting in December 2009. The report noted that:

"The JJWG has members from police department, prison department, the judiciary, legal practioners NGOs and INGOs. SPARC is also a member of the JJWG. There are three objectives of the Juvenile Justice Reform project:

- To develop a diversion programme for young offenders;
- Bring Pakistan's legislation and policy in line with UNCRC (legislative reforms) and

- To develop rehabilitation programs for children at risk of offending and reoffending." **[71b] (p133)**

24.26 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." **[79a] (p26)**

24.27 The SPARC Report 2009 noted that:

"In December 2009, there were a total of 1,357 juvenile prisoners in various detention centres across Pakistan. Out of these, 1,225 were under trial and 132 were convicted. In addition to these there were 14 children detained under the collective responsibility clause of the FCR [Frontier Crimes Regulation]. There are also at least 155 babies... living with their convicted or under-trial mothers in various prisons." **[71b] (p147)**

24.28 The same source cited that out of the 1,357 juvenile prisoners "... 400 children are detained at four facilities for juveniles in Sindh and Punjab, the Youthful Offenders Industrial Schools in Karachi and Hyderabad, and Borstal Institutions in Faisalabad and Bahawalpur. There are no facilities for juveniles in either Khyber Pakhtunkhwa or Balochistan. The rest are kept mostly in separate juvenile cells in regular prisons. There are also cases where juveniles are sent to adult prisons." **[71b] (p147)**

24.29 The same source added that the above juvenile facilities were for male juveniles only and that female juvenile offenders had no separate provisions and were kept with adult women prisoners. **[71b] (p136)**

24.30 The Human Rights Commission of Pakistan noted in its *State of Human Rights in 2009* report (HRCP Report 2009), published February 2010, that:

"Juvenile offenders were not only maltreated but were also forced to undertake various kinds of strenuous labour. The justice system often condemned them to unnecessary trial over prolonged periods of time, and in jails they were faced with sexual abuse and physical torture. According to research collected through media reports, around 70 per cent of all children who came under the juvenile justice system were abused. Due to inadequate capacity of jails and lack of detention cells children were forced to share detention cells with older offenders Lack of resources and their inefficient management made the juveniles suffer." **[27c] (p217)**

24.31 The SPARC Report 2009 stated that approximately 98 per cent of children in juvenile detention were from the lower economic level of society. Most detained children were denied basic rights such as a proper education, shelter, basic health facilities and protection from abuse. **[71b] (p137)**

24.32 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 Judiciary: Hudood Ordinances

156 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

24.33 The Pakistan government is obliged to provide free legal aid to juvenile offenders under section three of the Juvenile Justice System Ordinance. 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)**

See also Section Prison conditions

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VIOLENCE AGAINST CHILDREN

24.34 UNICEF's Annual Report 2009 noted for Pakistan that:

"Poverty, social exclusion, harmful social norms and traditions, and high rates of illiteracy are the main contributors to the high number of Pakistani children who are vulnerable to violence, abuse, exploitation and neglect. Forms of abuse include gender-based violence, early marriage, and physical and psychological abuse, including sexual abuse. They also include trafficking and child labour, and the marginalisation or neglect of children in prison, children with disabilities, children who live and work on the street, and children living with or affected by HIV." **[72d] (p40)**

24.35 The USSD Report 2009 recorded that "Child abuse was widespread. The NGO Lawyers for Human Rights and Legal Aid (LHRLA), reported that from January to November [2009], 612 children were murdered, 274 sodomized, 963 kidnapped, 374 trafficked, and 1,054 reported missing." **[3b] (Section 6)**

24.36 According to *Cruel Numbers 2009*, a report published by the NGO Sahil, which works against child sexual abuse and exploitation, 2,012 cases of sexual abuse against children in Pakistan, 68 per cent of whom were girls and 32 per cent boys, was recorded in 2009. The majority of the crimes reported were abduction for sexual purposes, rape and sodomy. 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] reporting constraints. **[65a]**

24.37 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)**

24.38 The HRCP Report 2009 stated "Surveys showed that nearly half of the children studying in madaris [madrassas] experience sexual harassment, 28 per cent go through unpleasant touching while 20 per cent suffer from forced sex. According to figures released in a seminar held by Plan Pakistan and Save the Children UK, around 6 children were sexually assaulted everyday and more than 80 per cent of the sexual abuse cases went unreported." **[27c] (p215-216)**

24.39 The SPARC Report 2009 observed that there was a marked increase in the kidnapping of children for ransom, which was especially acute in Peshawar and Karachi. In Khyber Pakhtunkhwa cases rose from 57 in 2006 to 147 in 2008, and in Karachi from 28 in 2006 to 92 in 2008. Many cases were not publicised or reported to the police by the

children's families due to threats from the kidnappers and fear for the children's safety. **[71b] (p113)** The HRCP Report 2009 also reported on the prevalence of child kidnappings in Pakistan. **[27c] (p218)**

See also Section Trafficking

24.40 The HRCP Report 2009 noted:

"It was estimated that the incidence of corporal punishment in schools of Pakistan stood at 86 per cent. Findings of an NGO, PLAN Pakistan, from three districts (Chakwal, Vehari and Islamabad) showed that 93 per cent students in government schools, 86 per cent in private institutions, 83 per cent in religious seminaries and 73 per cent in nonformal settings faced severe punishments. Children not only suffer physical torture, like cane beating, targeted organ torture and stick beating, but are also subjected to emotional violence such as discriminating behaviour, indifference towards gender, ethnic discrimination and usage of obscene and humiliating language." **[27c] (p218)**

See also subsection Education

24.41 The SPARC Report 2009 recorded that "Many of the injustices committed against women and children are done under the guise of culture and tradition... many are harmful and are used as [a] means of oppression and for maintaining power structures of male dominated societies. Harmful traditional practices include, among others, early marriage, female infanticide, honour killings and marriages contracted to settle disputes, restrictions on female mobility and empowerment." **[71b] (p113)**

24.42 Amnesty International's annual *Report 2010* on Pakistan stated that "In NWFP and the tribal areas, Taleban groups closed or burned down girls' schools, forced women to wear a veil and prohibited them from leaving their homes unless accompanied by male relatives. Several women were punished, shot dead or mutilated for alleged 'immoral' activities. Legal redress sought for abuses of women's rights remained difficult to obtain." **[13d] (p253; Violence against women and girls)**

24.43 The HRCP Report 2009 stated that:

"According to intelligence officials, more than 5,000 child suicide bombers between the ages of 10 and 17 have been have been trained by Taliban so far. Money is used to enroll the recruits and a suicide bomber could be hired at 5 to 25 lakh rupees. The military showed reporters video footage of a classroom where a masked teacher taught children how to carry out a suicide attack. The children, sitting in rows, were wearing white headbands inscribed with Quranic verses. On April 6, a child suicide bomber blew himself up at a Shia mosque in Chakwal district killing 26 people and injuring more than 50.

"Some of the boys who escaped from Taliban camps in Swat have claimed that as many as 400 children were still kept at the camps. A young boy in Swat recalled how the Taliban had kidnapped him and his classmate while the two were playing in the street. In August, the army recovered 20 such boys in Swat; many more were believed to be in Taliban hands. Three of the boys, at a news briefing, appeared to be younger than ten and were visibly traumatized and occasionally broke down in tears[.] The others were mostly in their mid- teens. The Taliban wanted to turn these boys into informants, fighters or suicide bombers." **[27c] (p216-217)**

24.44 The SPARC Report 2009 noted there was evidence that some children were abducted by the Taliban to be trained as suicide bombers. **[71b] (p105)**

See also Sections Security situation; Women: Violence against women; and for treatment of children in prison see subsection on Judicial and penal rights.

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CHILDCARE AND PROTECTION

24.45 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." **[27a] (p132, Children: Child protection)**

24.46 A Foreign and Commonwealth Office official at the British High Commission, Islamabad, stated in a letter dated 29 November 2010 that the Child Protection Bill was still awaiting consideration by the National Assembly. "Following the 18th Amendment, child protection and welfare will become provincial subjects. As a consequence the Punjab and Khyber-Pukhtunkwa provinces have passed Child Protection measures during 2010." **[11m]**

24.47 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 [Azad Jammu and Kashmir] Government is considering setting up a comprehensive child protection system through, the AJK Child Protection Authority Bill, 2009." **[79a] (p3)**

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

24.49 UNICEF reported in its Annual Report 2009 on Pakistan that with the organisations support:

"... about 361,000 boys and girls from 30 districts across Pakistan used social services designed to prevent and protect them from abuse, exploitation and other types of violence. Children benefited from learning play and services at 60 child protection

centres and child friendly spaces and 60 day care centres. Special protection services for child victims of trafficking, legal and psychological counselling, help lines linking children to protection services, second chance education programmes and non-formal education for children in bonded labour were also offered to 10,000 children... More than 1,000 professionals working in child protection have acquired new competencies. The staff at 350 NGOs, mainly child and family service providers, were trained in integrated community-based services." **[72d] (p43)**

24.50 The *Pakistan Observer* reported on 21 September 2010 that the "...Children Complaints Office (CCO) placed in the office of Wafaqi Mohtasib [(Ombudsman)'s Secretariat] is now fully operational to deal with and rectify excesses, abuse, or violation of rights of children by any federal agency." The report added the CCO's head office is based in Islamabad and has eight regional offices across Pakistan dealing with complaints from or on behalf of children whose rights have been violated by a federal ministry, department or agency." **[77a]**

24.51 The Wafaqi Mohtasib (Ombudsman)'s Secretariat website, accessed 6 December 2010, stated that "The Children's Complaint Office can investigate and redress any injustice done to a child (up to 18 years) through mal-administration of a federal agency such as a school, hospital or law enforcing agency." **[29l]**

24.52 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]**

24.53 With regards to child sexual abuse and the law protecting victims, the UN Committee on the Rights of the Child stated in its report dated 19 March 2009 that:

"Pakistan Penal Code and Hadood [Hudood] Ordinances of 1979 can be used to prosecute some child sexual abuse cases. The Pakistani Criminal Justice System does not deal with sexual offences against children any differently than sexual offences against adults. Similarly, the abuse of children or sexual abuse not involving penetration could be dealt with under section 511 of the PPC 'whoever attempts to commit an offence punishable by this code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and as such attempt does any act towards the commission of offence, shall, where no express provision is provided by this code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which my extend to one half of the longest term of imprisonment provided for that offence or such fine as is provided for the offence, or with both'." **[79b] (paragraph 628)**

See also Sections: Women: Women Protection Act (WPA), and subsection Children's homes

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Underage/forced marriage

24.54 In the SPARC Report 2009, it was noted that "The Child Marriages Restraint Act has set the minimum age of marriage, 16 years for girls and 18 years for boys. It also prescribes punishment and fine for violators, ranging from simple imprisonment up to a month, or fine of Rs1,000, or both." The report noted that the penalties were too low to be a deterrent. **[71b] (p114)**

24.55 The USSD Report 2009 stated that:

"Despite laws barring child marriage, there was evidence it occurred. LHRLA reported 1,006 cases of forced and 'vani' marriages. 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 ($1,140 to $2,540) in parts of Sindh and the NWFP. In rural areas poor parents sold children as bonded laborers and sold their daughters into marriage." **[3b] (Section 6)** The Freedom House *Freedom in the World Pakistan 2010* report echoed these concerns and stated "Other illegal forms of child and forced marriage also remain problems." **[5a]**

24.56 On 15 June 2008, Integrated Regional Information Networks (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]**

24.57 The HRCP Report 2009 cited that:

"In Sukkur, on March 28, a jirga ordered that a teenaged girl and a minor be given in marriage to punish their brother for eloping with a girl and marrying her against her parent's wishes. In Islamabad, on February 6, Haleema, 5, and Ayesha, 8, were married off to Arshad, 23 and Humayun, 15, in Vani cases; their uncle had contracted a court marriage with a girl of the boy's family and the girls were offered in marriage to settle the dispute. On November 9, in Lal Khan Jatoi village, a jirga ordered a seven year old girl to marry a 15 years old boy to settle a dispute over karo-kari between two warring groups." **[27c] (p216)**

24.58 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." **[13a] (Violence against women)** In its annual *Report 2010* for Pakistan, covering 2009 events, AI noted that the forced marriage of girls to settle disputes continued. **[13d] (p 253, Children's rights)**

24.59 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)**

24.60 The HRCP Report 2009 recorded that "A trend of violence against and abduction of minority girls also attracted public attention in 2009. In Sindh, many Hindu girls were reportedly abducted, converted to Islam forcibly and married off to Muslim men. Other religious minorities were also facing similar threats." **[27c] (p218)**

See also Sections: Women: Socio-Economic Rights, and Religion: Inter-faith marriage

Child labour

24.61 The USSD Report 2009 noted that "The law protects children from exploitation in the workplace; however, enforcement of child labor laws was weak, and child labor remained a serious problem." **[3b] (Section 7d)**

24.62 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)**

24.63 The HRCP Report 2009 noted that:

"More than 3.5 million children in the country were involved in labour. There were around 1.9 million child labourers in Punjab alone, despite the fact that Punjab was more developed than other provinces there were 650,000 in NWFP, 462,000 in Sindh and 450,000 child labourers in Balochistan. There had been an alarming increase in child labour in the NWFP since the 2005 earthquake which left 41,700 children orphaned and thousands of them homeless. A majority of the child workers are boys, forming 73 per cent of the total, while the remaining 27 per cent of the child workers are girls. Involvement of children in work in rural areas was eight times higher than in urban areas." **[27c] (p214)**

24.64 On the issue of bonded labour of children, the USSD Report 2009 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 debt obligation to feudal landowners or owners of brick kilns." **(Section 7d)** The same source added that "Bonded labor of children in the brick kiln industry, carpet weaving, and in agriculture remained a serious problem. In some cases families sold children into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases children were kidnapped." **[3b] (Section 6)**

24.65 The HRCP Report 2009 noted that "On an average, children worked 6 hours a day, 6 days a week and 11 months a year, earning only Rs. 1,145 per month. Almost one-third of the children were unpaid workers who worked with their parents or elder siblings in the field." **[27c] (p229)**

24.66 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)**

24.67 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, Sections: Trafficking, and Employment rights

Children's homes

24.68 The National Commission for Child Welfare and Development (NCCWD) stated in its undated Fact Sheet on Children, accessed 7 December 2010, that there were more than 250 orphanages in Pakistan, including SOS villages. The homes provided shelter not only to orphans, but to children who had been abandoned by their parents. **[29i] (Street Children: Situation of Orphan care)**

24.69 SOS Children's Villages' International noted in its Pakistan Overview, undated, that "... there are eight SOS Children's Villages in Pakistan, six SOS Youth Facilities, seven SOS Hermann Gmeiner Schools, five SOS Vocational Training Centres, five SOS Social Centres, one SOS Medical Centre, and one SOS Emergency Relief Programme. Four SOS Children's Villages are under construction." **[28b]** SOS Children's Villages' were located in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Kasur, Sargodha, Sialkot, Multan and Quetta. (SOS Network, undated) **[28a]**

24.70 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]**

24.71 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)**

24.72 The Edhi Foundation, the largest welfare organisation in Pakistan, noted on its website, accessed 22 November 2010, 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. **[19a] (Edhi Foundation Services)** The website listed 143 Edhi Foundation Centres across Pakistan. **[19b] (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. **[19a] (Edhi Foundation Services)**

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EDUCATION

24.73 Europa World Online, accessed 30 November 2010, noted that:

"Universal and 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. In 2008/09 there were an estimated 158,023 primary schools (including mosque schools), and total enrolment at those institutions amounted to 17,366,169... There were an estimated 41,326 middle schools and 24,320 secondary schools in 2008/09. Enrolment in that year was estimated at about 5.4m. in middle schools and 2.5m. in secondary schools. The secondary education sector includes secondary vocational institutes (an estimated 3,121 schools and 263,000 enrolled pupils in 2007/08)." **[6] (Education)**

24.74 UNICEF's report, *The State of the World's Children 2009*, stated that in Pakistan "An estimated 6.8 million children are out of primary school. Of those enrolled, only 70 per cent complete their schooling. Reasons include lack of awareness, cultural restrictions on girls, poor quality education and teacher absenteeism, corporal punishment, and lack [of] school premises and poor facilities in schools." **[72d] (p12)**

24.75 The HRCP Report 2009 recorded that:

"According to the Thardeep Rural Development Programme 2007 Survey Report for the Protection and Empowerment of Working Children in Sindh, released in September 2009, about half of the settlements in Pakistan did not have a functional school 36 per cent of surveyed settlements did not have any schools while 22 per cent of the schools surveyed were non-functional due to lack of teaching staff. Almost 46 per cent children surveyed were found to be doing nothing while only 22 per cent were enrolled in school, 36 per cent had dropped out and 42 per cent had never been enrolled." **[27c] (p212)**

24.76 The same source reported that "The World Economic Forum's latest Global Competitiveness Report ranks Pakistan 117 out of 134 countries in terms of the quality of primary education. Around 20 per cent of the population lacked basic educational facilities. There was a dire need for trained teaching staff, an internally competitive standard of curriculum, revision and modification of text, activity based learning and shift of focus from rote learning to understanding and analysis." **[27c] (p213)**

24.77 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)**

24.78 The USSD Report 2009 stated that:

"Local laws do not mandate free public education, and schools generally charged tuition. Public schools, particularly beyond the primary grades, were not available in many rural areas. Parents of lower socio-economic means often chose to send children to madrassas where they received free room and board. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education that the public system offered." **[3b] (Section 6)**

24.79 The US Department of State *International Religious Freedom Report 2010* (USSD IRF Report 2010) 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." **[3c] (Section II: Legal/Policy Framework)**

24.80 The United States Commission on International Religious Freedom *2010 Annual Report* (USCIRF Report 2010), published May 2010, covering events from 1 April 2009 to 31 March 2010, noted that:

"Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities. Social Studies and Pakistan Studies textbooks frequently recount historically inaccurate events that paint Hindus and Christians in a negative light. Fifth-grade students read official textbooks claiming that 'Hindus and Muslims are not one nation but two different nations. The Hindus could never become sincere in their dealings with the Muslims.' Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. India is portrayed as Pakistan's enemy. Israel is characterized as not being a legitimate state. Such materials are not restricted to Islamic studies textbooks but occur in both early elementary and more advanced social studies texts that are used by all public school students, including non-Muslims. Moreover, the subjects in textbooks are heavy on stories, biographies, and poems having an Islamic religious character." **[53a] (p93)**

24.81 The HRCP Report 2009 stated that

"According to a survey-based HRCP study, 'Enhancing religious understanding and promoting tolerance in education', extracurricular activities in schools, such as annual functions, debates, literary competitions, plays, etc, were centred on both nationalistic and religious themes. The study was based on a survey of 80 public schools across the country and interviews with nearly 2,500 respondents including students, teachers, parents and community members." **[27c] (p138)**

24.82 The same source noted that "The survey led to the conclusion that schools in Pakistan generally did not promote religious intolerance as topics like Jehad, India-Pakistan relations, Kashmir dispute were hardly ever discussed in schools... some schools were involved in actively promoting religious extremism." **[27c] (p139)**

24.83 The USCIRF Report 2010 stated:

"Efforts to improve curriculum guidelines and to produce and publish new public school textbooks have been delayed by practical and ideological hurdles. Although 'The New Education Policy 2009' is being implemented predominantly to raise the literacy rate in Pakistan, the new policy maintains Islamic Studies as a compulsory subject. One positive change allows minorities the option of taking an ethics course from third grade onwards, whereas the previous policy offered this option only in grades 9 and 10. However, Pakistani non-governmental organizations argue that this option means little in practice because current ethics textbooks are based on previous curriculum guidelines which contain Islamic biases. Moreover, critics argue, minority students still tend to avoid opting out of Islamic Studies for fear of being isolated from the rest of the class. Some students also fear that if they take ethics and it becomes known that they belong to a religious minority their grades may be negatively impacted." **[53a] (p93)**

24.84 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)**

24.85 Amnesty International noted in its report *"As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan*, published 10 June 2010, that:

"The Taleban targeted schools teaching the national curriculum, and in particular, the few operating schools for women and girls both in the NWFP and FATA throughout 2008 and 2009. According to statistics from the Human Rights Commission of Pakistan,

165 schools were destroyed in NWFP and FATA in 2008, 136 of them girls' schools; and more than 180 schools were destroyed and 318 were partially destroyed in 2009.

"In Darra Adam Khel, a Frontier Region, a 25-year-old man told Amnesty International in late 2008 that the Taleban had warned parents not to send their girls to school and later attacked the schools: 'First they warned owners of private schools to end co-education. Then they told the government's girls' schools to close. When they refused, the Taleban bombed several of them and the rest of the schools were closed for fear of bombing. At the same time, parents also stopped sending their children to schools for fear of the Taleban." **[13e] (p42)**

24.86 The same source added:

"One of the most devastating attacks on female education came in the Swat area. There, in 2008 and early 2009, as the Taleban consolidated their grip on the area, they destroyed more than 170 schools, including more than 100 girls' schools. These attacks disrupted the education of more than 50,000 pupils, from primary to college level, according to official estimates.104 The Human Rights Commission of Pakistan estimated that after the imposition of the Nizam-e-Adl Regulation in April 2009, around 4,000 schools providing education to over 40, 000 girls were shut down." **[13e] (p42)**

24.87 The HRCP Report 2009 noted "Over a million children in the tribal regions were facing the risk of having their education interrupted as conflict with the Taliban had damaged the schools or they had been turned into civilian shelters for displaced people. As these families started returning to the north-western districts of Swat and Buner, getting children back to classes posed a huge challenge to the state." **[27c] (p164)**

Madrassas

24.88 On the availability and services by madrassas (religious schools) the USSD IRF Report 2010 noted that:

"Private schools run by Islamic clerics or madrassahs varied greatly in their curriculum and character. They may offer after-school nondegree Islamic religious instruction, a full degree course in Islamic religious studies based on degree parameters set by one of the country's five madrassah boards, a full degree course in regular studies based either on the government's matriculation standards or the British A level curriculum, certificate courses in vocational training, or some combination thereof. Madrassahs may have students on a part-time, full-time day, full boarding basis, or some combination thereof. In some rural communities, madrassahs were the only form of education available.

"In recent years a small, yet influential, number of madrassahs have, in violation of the law, taught extremist doctrine in support of terrorism. In an attempt to curb the spread of extremism, the 2002 Madrassah Registration Ordinance required all madrassahs to register with one of the five independent boards (wafaqs) or directly with the government, cease accepting foreign financing, and accept foreign students only with the consent of their government. According to the Ministry of Religious Affairs, as of June 2010, 19,104 madrassahs had been registered. Of these 770 madrassahs were registered in 2009 alone; however, many civil society organizations and education experts disputed the number of madrassahs operating across the country." **[3l] (Section II)**

24.89 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." **[55c]**

24.90 The USSD IRF Report 2010 stated that:

"A 2005 framework for cooperative registration of madrassahs, including provision of financial and educational data and expanded oversight of the 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 madrassah boards had agreed to a phased introduction to all madrassahs offering full-time education of secular subjects, including mathematics, English, and science. The civilian government considered madrassah reform a priority but has made little progress in this regard. Officials at the Ministry of Religious Affairs cited a lack of funds as an obstacle to attaining the goal of madrassah reforms. They claimed that, at present, the government does not have any funds to carry out the plan, although in the past three years secular subjects were introduced in some madrassahs through government support." **[3l] (Section II)**

24.91 The USCIRF Report 2010 noted that:

"A significant minority of Pakistan's thousands of religious schools, or madrassas, reportedly continue to provide ongoing ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. In mid-2005, the Pakistani central government renewed its effort to require all madrassas to register with the government and to expel all foreign students. By that year's end, despite an outcry from some violent extremist groups, most of the religious schools had registered. However, the registration process reportedly has had little if any effect on the curricula, which in many of these schools remains intolerant and includes exhortations to violence. The government also still lacks controls on the madrassas' sources of funding. It remains doubtful whether these efforts to curb extremism through reform of the country's Islamic religious schools will be accompanied by other measures that would make them effective. Moreover, these efforts do not adequately address the much wider problem of religious extremism in Pakistan and the continued and unwarranted influence of militant groups on the rights and freedoms of others." **[53a] (p93)**

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HEALTH AND WELFARE

24.92 The HRCP Report 2009 recorded that:

"Infections among children were reported to have increased during 2009. Nearly 60 per cent child deaths could be attributed to water borne-illnesses. More than 20 per cent of

children below 15 in the country suffered from asthma. Skin and respiratory diseases were on the rise mainly owing to the rising air pollution in Pakistan. As stated by JORDAN, an NGO, around 200,000 children died of diarrhoea every year with nearly 560 children dying daily mainly because of untreated water, unhygienic food and lack of cleanliness in homes and indifference to other cleaning habits like washing hands before and after meals." **[27c] (p211)**

24.93 The HRCP Report 2009 also noted that "Malnutrition is the biggest contributor to child mortality in Pakistan. According to figures collected from the World Bank report published in 2009, Pakistan suffered from a very high rate of child malnutrition with 39 per cent of children moderately or severely malnourished while nearly 30 per cent of the children under 5 were malnourished." **[27c] (p211)**

24.94 UNICEF noted in its Pakistan Annual Report 2009 that:

"Nearly one in ten Pakistani children die before their fifth birthday, more than half in the first month of life. The lack of trained health professionals to attend women during pregnancy causes deaths and illnesses for mothers babies. Lack of access to quality health services, poor nutrition, resistance to immunisation, lack of knowledge and the low status of women and children are major contributors. Many households, especially in rural areas, have poor sanitation and hygiene, and diseases such as diarrhoea contribute to high child mortality." **[72c] (p12)**

24.95 The Child Aid Association (CAA), a voluntary organisation working within the paediatric oncology unit at the National Institute for Child Health, Karachi, provided free treatment to underprivileged child cancer patients. (Accessed 7 December 2010) **[81a]**

24.96 The HRCP Report 2009 noted that "According to the Pakistan Medical Association (PMA), substance abuse amongst street children reached alarming levels – children were found hooked to glue, paint and petrol sniffing and this became a serious problem in the bigger cities. There were around 14,000 street children in Karachi who were addicted to glue sniffing, thus risking damage to their brain, kidneys, liver, heart and myocardium." **[27c] (p218)**

Basic statistical information can be obtained on the UNICEF website.

See also Section: Medical Issues

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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 2009* (USSD Report 2009), published 11 March 2010, cited that "Widespread trafficking in persons, child labor, and exploitation of indentured and bonded children were ongoing problems." **[3b] (Introduction)** The same report stated that:

"The FIA [Federal Investigation Agency] Anti-Trafficking Units had primary responsibility for combating international trafficking. The government assisted other countries such as Oman, the United Kingdom, Iran, Turkey, Greece, and Australia with international

investigations of trafficking. Authorities registered approximately 4,599 human smuggling and trafficking cases during the year [2009]. [1,300 cases were registered in 2008. (USSD Report 2008) **[3k] (Section 5)**] This figure included trafficking cases because the FIA did not have the facilities to identify trafficking and smuggling victims." **[3b] (Section 6)**

25.02 The US Department of State *Trafficking in Persons Report 2010* (USSD TIP Report 2010), published on 14 June 2010, noted in its section on Pakistan that the government:

"... does not fully comply with the minimum standards for the elimination of human trafficking, but is making significant efforts to do so. The government's prosecutions of transnational labor trafficking offenders and substantive efforts to prevent and combat bonded labor – a form of human trafficking – demonstrated increased commitment, but there were no criminal convictions of bonded labor offenders or officials who facilitated trafficking in persons. It also continued to lack adequate procedures to identify trafficking victims among vulnerable populations and to protect these victims." **[3e]**

25.03 On legislation that prohibits trafficking the USSD Report 2009 stated that:

"The law prohibits domestic and international trafficking in persons, but there were reports that persons were trafficked to, from, and within the country... Maximum penalties for trafficking ranged from seven to 14 years' imprisonment plus fines... During the year authorities discovered and detained nearly 5,500 individuals attempting to travel through illegal routes. In 2008, FIA human trafficking cells estimated that 700 persons attempted to leave the country using forged or fraudulent documents... Traffickers bribed police and immigration officials to facilitate passage." **[3b] (Section 6)**

Trafficking to and from Pakistan

25.04 The USSD Report 2009 stated that:

"The country was a significant source, transit point, and destination for trafficked persons, and internal trafficking was a serious problem reportedly involving more than one million men, women, and children. Men and women were trafficked from the country to the Middle East to work as bonded or sex 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, and East Asian countries were trafficked through Pakistan to the Gulf." **[3b] (Section 6)**

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." **[27a] (p126, Women: Trafficking of women)**

25.06 On the problem of trafficking camel jockeys to the Middle East, the USSD Report 2009 observed that "The federal government, in cooperation with UNICEF [United Nations Children's Fund] and the United Arab Emirates, worked to repatriate and rehabilitate children used as camel jockeys. An estimated 700 children have been repatriated through these efforts since 2005. The FIA facilitated payment of compensatory damages from the United Arab Emirates." **[3b] (Section 6)**

25.07 The Human Rights Commission of Pakistan stated in its report, State of Human Rights in 2009 (HRCP Report 2009), published February 2010, that "If newspaper reports are to be believed, the trafficking of children for camel races in Dubai has been eliminated. The Punjab government acquired land measuring 3.5 acres in RahimYar Khan to build a child protection institute at a cost of Rs. [Rupees] 40 million. As many as 450 camel jockeys were said to have been brought back to Rahim Yar Khan since 2005." **[27c] (p75)**

Trafficking within Pakistan

25.08 With regard to internal trafficking in Pakistan the USSD Report 2009 stated that:

"Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and other forms of labor. Bonded labor of children in the brick kiln industry, carpet weaving, and in agriculture remained a serious problem. In some cases families sold children into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases children were kidnapped." **[3b] (Section 6)**

25.09 On the same subject of internal trafficking, the USSD TIP Report 2010 noted that:

"The largest human trafficking problem is bonded labor, concentrated in the Sindh and Punjab provinces in agriculture and brick making, and to a lesser extent in mining and carpet-making. Estimates of bonded labor victims, including men, women, and children, vary widely, but are likely well over one million. In extreme scenarios, when laborers speak publicly against abuse, landowners have kidnapped laborers and their family members. Boys and girls are also bought, sold, rented, or kidnapped to work in organized, illegal begging rings, domestic servitude, prostitution, and in agriculture in bonded labor." **[3e] (Pakistan)**

See Section: Children: Violence against children and Child labour

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Prosecution

25.10 The USSD TIP Report 2010 observed that:

"The Government of Pakistan made progress in law enforcement efforts to combat human trafficking in 2009. While the lack of comprehensive internal anti-trafficking laws hindered law enforcement efforts, a number of other laws were used to address some of these crimes. Several sections in the Pakistan Penal Code, as well as provincial laws, criminalize forms of human trafficking such as slavery, selling a child for prostitution, and unlawful compulsory labor, with prescribed offenses ranging from fines to life imprisonment. Pakistan prohibits all forms of transnational trafficking in persons with the Prevention and Control of Human Trafficking Ordinance (PACHTO); the penalties range

from seven to 14 years' imprisonment. Government officials and civil society report that judges have difficulty applying PACHTO and awarding sufficiently stringent punishments, because of confusion over definitions and similar offenses in the Pakistan Penal Code.

"During 2009, the government convicted 385 criminals under PACHTO – 357 more than 2008. The government did not disclose the punishments given to the trafficking offenders. Reported sentences under this law in previous years were not sufficiently stringent. Moreover, despite reports of transnational sex trafficking, the FIA reported fewer than a dozen such cases under PACHTO. Government officials also often conflated human smuggling and human trafficking, particularly in public statements and data reported to the media. In 2009, Pakistan reported 2,894 prosecutions and 166 convictions under the vagrancy ordinances and various penal code sections which authorities sometimes use to prosecute trafficking offenses; it is unclear how many of these prosecutions and convictions involved trafficking. It is confirmed that the government convicted at least three child traffickers; it is unknown whether these convictions were for forced prostitution or labor and what the imposed penalties were. The government prosecuted at least 500 traffickers: 416 for sex trafficking, 33 for labor trafficking, and 51 for either sex or labor trafficking. Only one person was prosecuted under the Bonded Labor System Abolition Act, with no conviction." **[3e] (Pakistan: Prosecution)**

Assistance to victims of trafficking

25.11 The USSD TIP Report 2010 stated that:

"The Government of Pakistan made some progress in its efforts to protect victims of human trafficking. The government continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child laborers, women and children in prostitution, and agricultural and brick kiln workers. The FIA and the police referred vulnerable men, women and children, many of whom were trafficking victims, to federal and provincial government shelters and numerous NGO-operated care centers. There are reports, however, that women were abused in some government-run shelters. Shelters also faced resource challenges and were sometimes crowded and under-staffed. Sindh provincial police freed over 2,000 bonded laborers in 2009 from feudal landlords; few charges were filed against the employers. The FIA expanded protection services overseas and provided medical and psychological services to Pakistani trafficking victims in Oman. Some NGOs provided food, legal, medical, and psychological care to vulnerable children, including child trafficking victims, in facilities provided by and partially staffed by the Government of Pakistan. Some NGOs and government shelters, like the Punjab Child Protection and Welfare Bureau, also rehabilitated and reunited children with their families. Female trafficking victims could access 26 government-run Shaheed Benazir Bhutto Centers and the numerous provincial government 'Darul Aman' centers offering medical treatment, vocational training, and legal assistance. In September 2009, the government opened a rehabilitation center in Swat, which included a team of doctors and psychiatrists, to assist child soldiers rescued from militants." **[3e] (Pakistan: Protection)**

25.12 The USSD Report 2009 reported that:

"In 2005 the central government opened a model shelter in Islamabad specifically for trafficking victims. There are more than 200 shelters around the country providing services to trafficking victims, including government-run camps in Sindh for released bonded laborers. During the year the government of Punjab initiated a project to eliminate bonded labor in brick kilns in Lahore and Kasur districts. The government of Sindh also initiated a project at the end of 2008 to distribute state land to poor laborers, with a focus on women, in efforts to reduce bonded labor practices. The federal government also provided temporary residence status to foreign victims of trafficking." **[3b] (Section 6)**

See also Sections: Women: Assistance available to women; and Children

25.13 With regards to the prevention of trafficking, the USSD TIP Report 2010 noted that:

"The Pakistani government made progress in its efforts to prevent human trafficking. The Punjab provincial government continued implementation of its $1.4 million project, Elimination of Bonded Labour in Brick Kilns (launched in 2008). To date, this project helped nearly 6,000 bonded laborers obtain Computerized National Identification Cards, in collaboration with the government National Database and Registration Authority. It has also provided $140,000 in no-interest loans to help free laborers from debt and established 60 on-site schools that educated over 1,500 children of brick kiln laborers. The Bureau of Emigration continued to give pre-departure country-specific briefings to every Pakistani who traveled abroad legally for work; these briefings included information on how to obtain assistance overseas. The Punjab Child Protection and Welfare Bureau continued to fund 20 community organizations aimed at preventing child labor trafficking. The federal and provincial governments developed and began implementation of the Child Protection Management Information System, a national monitoring system that collects district-level data in five thematic areas, including child trafficking.

"In 2009, all 250 Pakistani UN Peacekeeping Mission forces received training in various government training academies that included combating human trafficking. The government also took measures to reduce the demand for commercial sex acts, some of which may have been forced prostitution, by prosecuting, but not convicting, at least 64 clients of prostitution. Government officials also participated in and led various public events on human trafficking during the reporting period. In February 2010, the federal government hosted an inter-agency conference for more than 30 federal and provincial officials that focused on practices for identifying and combating child trafficking, transnational trafficking, and bonded labor. Pakistan is not a party to the 2000 UN TIP Protocol." **[3e] (Pakistan: Provention)**

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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, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that "According to the Pakistan Economic Survey 2008-09, the government's spending on public health as a percentage of GDP went down to 0.55 per cent from 0.57 percent in the previous year." **(p253)** The same source added that "The Pakistan Economic Survey

2008-9 revealed that there is only one doctor for 1,212 persons, one dentist for 18,010 persons and one hospital bed for 1,575 persons, showing the unmet needs in the country's health sector." **[27c] (p254)**

26.02 The website Medics Travel, accessed 18 November 2010, published a list of medical organisations in Pakistan. **[22]** Further information on medical facilities in Islamabad is provided by the US Embassy, Islamabad, accessed 13 October 2010. **[3n]**

26.03 The USSD's Consular Information Sheet on Pakistan, last updated 13 July 2010, 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... 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... generic brands from well-known pharmaceuticals usually are [available]. The quality of the locally-produced medications is uneven." **[3j] (Medical facitilies and health information)**

26.04 In its Travel advice for Pakistan, updated 15 November 2010, the Foreign and Commonwealth Office (FCO) stated that "Outside the major cities there are few hospitals of UK standards." **[11a] (Health)**

26.05 The HRCP Report 2009 also provided basic information on the condition of some of Pakistan's hospitals. **[27c] (p255)**

26.06 The International Organization for Migration (IOM) recorded in its *Information on Return and Reintegration in the Countries of Origin* (IRRICO) factsheet for Pakistan, updated 4 2010 January, that:

"Various professional bodies in Pakistan are concerned with medical resources and needs. They include the Pakistan Medical and Dental Council (PMDC), the Pakistan Dental Association (PDA), and the College of Physicians and Surgeons (CPSP). In addition, the National Institute of Cardiovascular Diseases (NICVD) was established to meet the increasing demand for the diagnosis, management and prevention of cardiovascular diseases, as well as to keep up to date with the rapid technological advances in the field 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. The Shaukat Khanum Memorial Cancer Hospital & Research Centre (SKMCH&RC) has been providing comprehensive care, free of charge, to thousands of homeless cancer patients. Health care services across the country have visibly increased. Basic Health Units (BHU), Rural Health Centres (RHC), and civil dispensaries have been created in the remote rural areas to meet the health needs of the local communities. In the cities, there are both state and private hospitals with modern technologies to meet a variety of health needs." **[85a]**

26.07 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." **[27a] (p171, Health: Existing Services)**

26.08 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..." **[27a] (p173, Health: Critical care)**

26.09 Pakistan's Ministry of Health provided a National Essential Drugs List, Third Edition, undated. **[29m]** The IOM's IRRICO factsheet for Pakistan, updated 4 January 2010, stated that the list was "... of essential drugs (as defined by the World Health Organisation) that satisfies 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 dosage in hospitals, clinics and pharmacies." **[85a]**

26.10 The website PakMediNet (accessed 30 November 2010) also provides a database of drugs available in Pakistan. **[97]** Pharmagen Online Pharmacy, Pakistan's largest online pharmacy, allows consumers to choose from more than 7,000 products from 25 different categories (accessed 5 December 2010). **[98]**

26.11 The HRCP Report 2009 stated "It was a common experience that from time to time some essential drugs were in short supply in the market thereby putting the lives of patients in jeopardy." **[27c] (p260)**

26.12 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 [sic] 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." **[40c]**

See also Sections: Women's health, and Children: Health and welfare

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.13 The USSD Report 2009 reported that:

> "According to the government's National Aids Control Program (NACP), there was no discrimination based on HIV/AIDS status observed in the government service. Societal attitudes toward HIV-positive individuals were changing, but social discrimination against persons with HIV/AIDS remained. Cases of discrimination often went unreported due to the stigma against HIV/AIDS patients. The NACP estimated that there were 97,500 HIV-positive individuals in the country and that only 5 percent were reported. In addition to opening new treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness." **[3b] (Section 6)**

26.14 The HRCP Report 2009 stated that, according to the non-governmental organisation, the Amal-Human Development Network "...there are 85,000 individuals infected with HIV-AIDS in Pakistan out of which nearly two percent are children under the age of 14." **[27c] (257)**

CANCER TREATMENT

26.15 The Pakistan Atomic Energy Commission recorded on its website, last modified on 7 December 2010, 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. **[59]**

26.16 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]**

26.17 Other hospitals with Oncology departments include:

- Pakistan Institute of Medical Sciences (PIMS), Islamabad
- University of Health Sciences (Jinnah Hospital), Lahore
- Shaukat Khanum Memorial Cancer Hospital and Research Centre, Lahore

26.18 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." **[55d]**

26.19 The Child Aid Association (CAA), a voluntary organisation working within the oncology department at the NICH [National Institute for Child Health], provided free medicines, support and specialist care to underprivileged child cancer patients. **[81a]**

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

"Facilities for treatment of cancer patients are available in a few larger cities in both public and private hospitals. There are 18 radiotherapy centers with 65 practicing radiation oncologists; the quality of these centers is extremely variable depending on the expertise of the physician and available equipment. There are only 15 medical oncologists practicing in major cities. State-of-the-art surgical oncology is practiced in only a few hospitals, and as a result, the majority of patients undergo sub-optimal surgery. In Pakistan, profound differences exist with respect to the availability of medical care to different segments of the population. Good quality hospital care is available to the affluent class, either from a small number of excellent public sector hospitals, or from the private sector. The less affluent classes are provided free services in the government hospitals but again, the quality of these services is extremely variable, depending on the available resources and trained personnel. The financial burden of treatment is borne by the patients, which makes it difficult for the poor to receive state-of-the-art treatment. They are supported by monetary donations from individuals as well as government funds and Zakat, a tax that the more wealthy Muslims pay specifically to help the poor. These contributions tend to be insufficient and erratic. Clearly these resources are inadequate to deal with the ever increasing economic burden of cancer patients. It is estimated that fewer than 30% of patients receive the minimal recommended treatment for their disease." **[73]**

KIDNEY DIALYSIS

26.21 The Kidney Centre, based in Rawalpindi, stated that it was "... dedicated to providing comprehensive preoperative [care] to patients with chronic renal disease, including end-stage renal disease." The same source added that "The Kidney Transplant Program is one component of the full-service Multi-Organ Transplantation Program at Kidney Centre." **[70]**

26.22 The Noor Foundation UK, accessed 30 November 2010, stated that it:

"... currently has eighteen state of the art Kidney dialysis centres located along the length and breadth of Pakistan. We currently have centres in four out of five provinces, from Sindh province in the south, to the North West Frontier Province which borders Afghanistan and China.

"All our centres are housed in government hospitals and are managed on a day to day basis by our two NGO's in Pakistan, The Anjuman Felaho Behbood Insaniat (The Society for the betterment of humanity), and 'The Noor Foundation Pakistan'." **[48]**

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MENTAL HEALTH

26.23 *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." **[93a]**

26.24 The HRCP Report 2009 noted:

"According to the head of the institute, neither the federal nor the provincial government gave any attention to the provision of health facilities to a large section of the country's population suffering from mental disorders and problems. A glaring example of the government's apathy in the matter was the construction of a new block of the institute on self-help basis. The institute published a brochure titled 'Mental Health in Need of Your Wealth' to collect funds from the public. The institute, which was established in 1973, is providing mental health facilities to a large number of people, with patients coming from all four provinces of Pakistan." **[27c] (p255)**

26.25 In an article on mental healthcare, dated 8 November 2007, Integrated Regional Information Networks (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]**

26.26 The HRCP Report 2009 recorded that "According to an expert every fifth person in the country suffers from some kind of psychological disease. The most common form of mental ailment is depression. Social behaviour creates hurdles in curing psychological diseases because people generally shy away from consulting doctors lest they attract stigma. There are only 400 qualified psychologists to handle the rapidly growing number of psychiatric cases in the country." **[27c] (p264)**

26.27 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." **[14b]**

26.28 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…" **[14b]**

26.29 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 amitriptylline); and procyclidine. **[14b]**

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27. HUMANITARIAN ISSUES

27.01 In its Travel Advice for Pakistan, updated 15 November 2010, the Foreign and Commonweath Office (FCO) recorded that:

"In July and August 2010 severe floods hit many parts of Pakistan, including areas of Khyber-Pakhtunkhwa, Balochistan, Punjab and Pakistan Administered Kashmir. These floods have caused widespread damage and destruction. Reports suggest over 1,000 people have been killed across Pakistan, and the destruction of bridges leaving large number of people stranded. Media reports suggest that there have been outbreaks of waterborne diseases in some areas affected by the flooding.

"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 were most badly affected." **[11a] (Natural Disasters)**

See also Sections Security situation, and Internally Displaced Persons (IDPs)

FLOODS JULY/AUGUST 2010

27.02 Reporting on the floods, Reuters AlertNet stated in its crisis briefing, dated 16 September 2010, that:

"Pakistan's worst floods in recorded history have killed more than 1,750 people and affected 20 million – more than a tenth of the population. A massive cascade of waters, triggered by heavy monsoon rains in late July, swept through the country, washing away homes, roads, bridges, crops and livestock. It ploughed a swathe of destruction from northern Pakistan to the southern province of Sindh. The United Nations estimates 10 million people urgently need food and shelter. Many are living in wretched conditions beside roads, sleeping in the open with little food and clean water." **[10c] (At a glance)**

27.03 The International Crisis Group (ICG) reported on 16 September 2010 that:

"The monsoon floods in Pakistan have caused massive destruction and turned a displacement crisis in the insecure western borderlands into a national disaster of mammoth proportions. When the floods hit, almost all those displaced from Malakand had returned home and were struggling to rebuild lives in a region where much of the infrastructure had been destroyed in fighting; 1.4 million more displaced from the Federally Administered Tribal Areas (FATA) were living in Khyber Pakhtunkhwa (KPK) province... One fifth of the country and more than 20 million people have been affected. Some of the worst damage is in Khyber Pakhtunkhwa, where the largest numbers of lives have been lost and where homes, schools, hospitals, agriculture, factories and the communication infrastructure are devastated, and crops and livestock lost. The state's response has been slow as a result of multiple factors – ill-equipped and under-resourced state relief organs, the absence of civil-military coordination and ineffective civilian control over military-led efforts." **[20a]**

27.04 Trócaire, an official overseas development agency, reported on 1 December 2010 that:

"Almost six months after flooding caused a major humanitarian crisis in Pakistan, water levels are still as high as four foot in certain affected areas... The problems facing Pakistan are massive. As Paul Healy, Trócaire's Regional Programme Manager based in Pakistan says: 'I have rarely seen such poverty anywhere in the world.' In Sindh, 350,000 people are living in camps. These people are mostly peasant farmers who have no land to go back to. They face the stark choice between remaining in a camp or returning to a situation of slavery... In the KPK district, 90 per cent of people have

returned home following the floods. However, they are facing into a harsh winter and do not have adequate shelter, blankets or clothes to cope. The situation in Pakistan has increased inequalities and highlighted the desperation of the poorest people in the region. For example, the government has established a scheme that offers cash to flood victims. However, in order to avail of the scheme a person must have an official ID card. The poorest people in Pakistan – particularly women – do not have these cards and, as a result, do not have access to the funds." **[83a]**

27.05 The International Institute for Strategic Studies (IISS) Armed Conflict Database reported in its section Human Security Developments July – September 2010 that "The floods were estimated to have wiped out 45 major bridges, nearly 4,000 kilometres of highway, more than 5,500km of railway, some 7,000 schools and 400 health facilities. Hydroelectric dams were damaged; large numbers of livestock died and crops were destroyed." **[34a] (Pakistan (FATA & K-P/NWFP))**

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28. FREEDOM OF MOVEMENT

28.01 The Human Rights Commission of Pakistan noted in its annual report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that "Restrictions were placed on politicians, political workers and religious leaders to prevent them from moving freely within the country and an indiscriminate use of Exit Control List curtailed the right to freedom of movement. The movement of ordinary citizens residing in the insurgency-stricken areas of Swat, Malakand and the Federally Administered Tribal Areas [FATA] bordering Afghanistan was also seriously affected." **[27c] (p115)**

28.02 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 2009* (USSD Report 2009) noted that the law provides for these rights, although the government limited them in practice. The report noted that "The government required that foreigners obtain special permits to enter certain restricted areas, including the FATA, Balochistan, and parts of the NWFP [North West Frontier Province], due to security concerns. Foreigners were required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir." **[3b] (Section 2d)**

28.03 The USSD Report 2009 also stated that:

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

"The law prohibits forced exile, and no case of forced exile was reported during the year." **[3b] (Section 2d)**

See also Section Exit/entry procedures: Exit Control List

29. INTERNALLY DISPLACED PERSONS (IDPS)

29.01 The Human Rights Commission of Pakistan report, the *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, noted "In Pakistan, the alarmingly high number of people living in refugee-like conditions includes individuals belonging not just to other countries (mostly Afghans) but also hundreds of thousands of Pakistanis rendered homeless by the ongoing war on terror. In 2009, the number of internally displaced persons (IDPs) swelled in the wake of military operations in Swat, South Waziristan, Khyber Agency, Bajaur, Orakzai and adjacent areas." **[27c] (p289)**

29.02 The International Crisis Group (ICG) reported on 16 September 2010 that:

"In July 2009, the Pakistani military initiated the return of an estimated 2.8 million people displaced by militancy and military operations in the Malakand region of KPK [Khyber Pakhtunkhwa]. Named Niwa- e-Seher (new dawn), this return process supposedly affirmed the military's success against militant networks in Swat and other parts of the Provincially Administered Tribal Areas (PATA). The same principle is being replicated in FATA [Federally Administered Tribal Areas] where some 1.4 million people have been displaced by militancy and military operations.

"The humanitarian crisis in FATA has received significantly less attention than displacement from KPK's Malakand region. Many have been unable to register or receive assistance due to the military's tight control over access to humanitarian agencies in KPK's Internally Displaced Person (IDP) hosting areas and continued security threats. In parts of FATA, most notably Bajaur agency, families have been forced to flee repeatedly because of a militant resurgence. Yet relying on the pace of returns as an indicator of success in anti-Taliban operations, the military has largely determined the humanitarian agenda, with scant objection from the international community. With the militants once again escalating their campaign of violence in the tribal belt, FATA's IDPs must not be compelled to return home before the threats to their safety subside." **[20a]**

29.03 The Internal Displacement Monitoring Centre (IDMC) reported on 6 September 2010 that:

"Internal displacement in Pakistan's north-western Federally Administered Tribal Areas (FATA) and Khyber-Pukhtunkhwa (KP) has continued for at least six years, but reached a massive scale from 2008 to 2009. As of the end of July 2010, there were around two million internally displaced people (IDPs), 1.4 million of them registered by the government. The flooding has particularly affected populations which had been displaced by the conflict. This crisis has heightened their vulnerability and may force many to return to home areas despite ongoing insecurity there or resettle in major cities.

"The causes of displacement have included human rights abuses by militant groups, conflicts between tribal leaders and militant Islamic rivals, and sectarian clashes. But military operations by government forces, sometimes in cooperation with some militant groups, have been the principle cause." **[84a] (p1)**

29.04 The same source added:

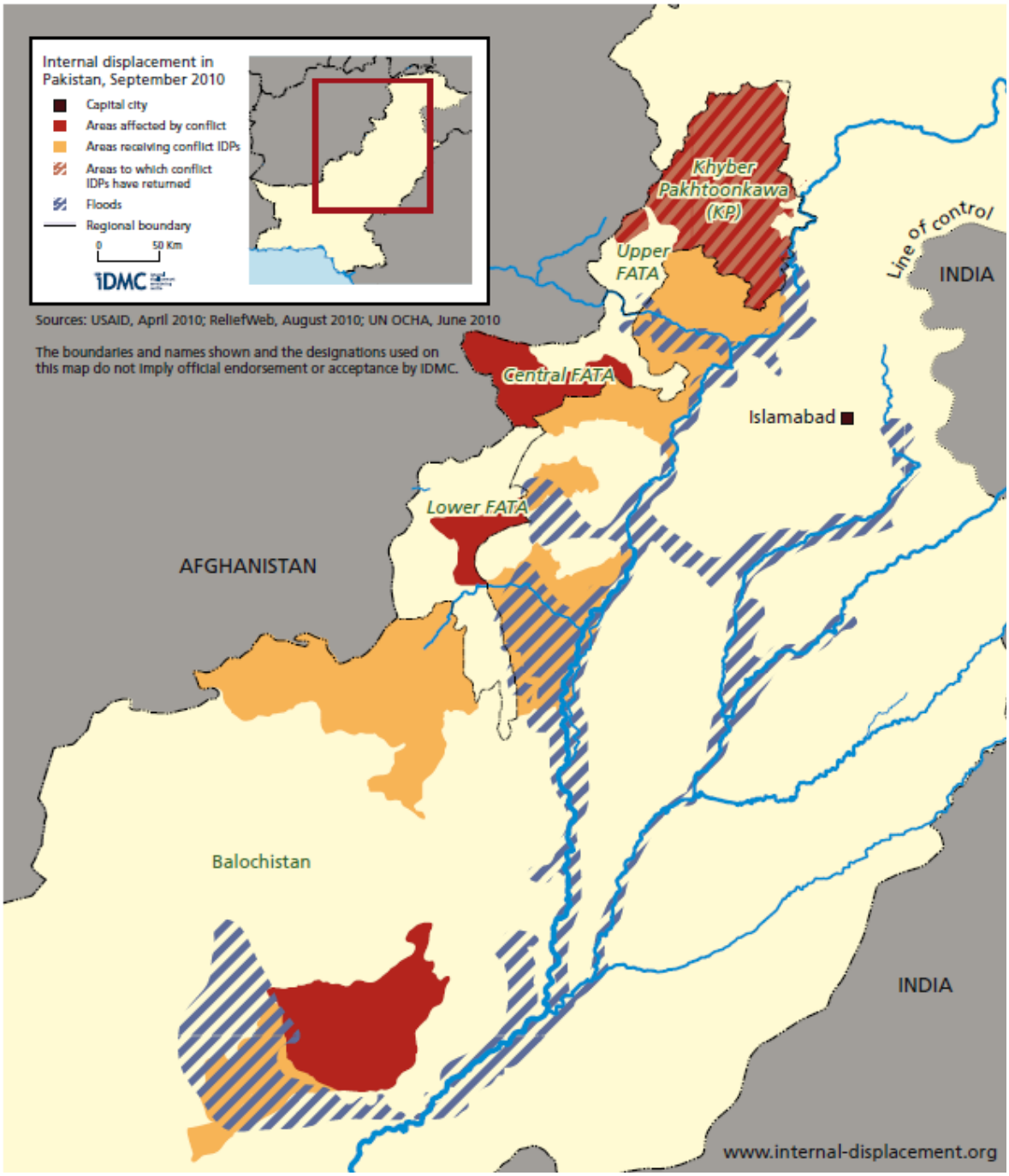
"More than 90 per cent of IDPs live in rented accommodation or with families where there is an acceptable level of privacy. Host communities have gradually become less

182 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

able to support IDPs, and more IDPs have been forced to seek shelter in camps. Most IDPs registered between early 2009 and mid-2010 have received better food and medical care than was available before the displacement. But those who have not been registered have relied entirely on their own resources and those of hosts." **[84a] (p1)**

MAP

29.05 Map showing internal displacement in Pakistan as of September 2010.



(Internal Displacement Monitoring Centre, 6 September 2010) **[84a] (p2)**

29.06 The IDMC reported on 26 November 2010 that "After months of negotiation between the Pakistani security forces and displaced tribal elders from South Waziristan in the Federally Administered Tribal Agencies (FATA), the process of returning is commencing this week. Between 60,000 and 80,000 internally displaced people (IDPs) will voluntarily go back to Serwakai and Sararogha, areas under the control of government forces. Humanitarian agencies including UNHCR have drawn up plans to assist the returnees with transport, tents, shelter and household items." **[84b]**

29.07 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, noted that:

"During the year the number of IDPs fluctuated due to militant activity and military operations in the NWFP and the FATA. The population displacement first began in August 2008 from Bajaur and Mohmand Agencies in the FATA and Lower Dir District in the NWFP. In late April and early May, a larger population displacement from Lower Dir, Buner, and Swat districts in the NWFP occurred as military operations confronted a militant offensive that had extended into Buner. The total number of IDPs ultimately swelled to 2.87 million. The government and the international humanitarian assistance community worked together to ensure protection for all IDPs and access to food, shelter, medicine, water, and sanitation. The government also provided debit cards worth 25,000 rupees ($300) to approximately 320,000 displaced families from the Malakand Division to support the return process, and cards worth 5,000 rupees ($60) for livelihood support to approximately 21,000 displaced families from South Waziristan. There was concern that the government limited the areas of origin considered eligible for assistance or disqualified individuals whose national identity cards had problems. According to a July 16 notification by the NWFP authorities, only persons displaced as a consequence of a current or imminent army operation could be classified as IDPs. By late November, after significant returns, the IDP population was approximately 1.2 million, including recent displacements from Bajaur, Khyber, Kurram, Orakzai, and South Waziristan agencies. Most of the 1.2 million IDPs lived with host communities or in rented accommodation in the FATA and the NWFP and approximately 125,000 resided in tent camps in the NWFP." **[3b] (Section 2d)**

29.08 Médecins sans Frontières (MSF) noted on 28 October 2010 that "Many people have started leaving internally displaced persons (IDP) camps and going back to their hometowns despite their homes having been totally destroyed by the rains and floods." **[56a]**

29.09 The USSD Report 2009 also noted that "Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir had entered the country. The law entitles Kashmiris to the same rights as full citizens." **[3b] (Section 2d)**

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30. FOREIGN REFUGEES

30.01 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, noted that Pakistan was "... not a party to 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 the UNHCR's [UN High Commissioner for Refugees] governing

Executive Committee and cooperated with the UNHCR in protecting, assisting, and repatriating Afghan refugees." **[3b] (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." **[80]**

30.03 The USSD Report 2009 noted:

"Although refugees did not have access to courts, the government provided access to basic health and education services, especially for Afghan refugees. 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." **[3b] (Section 2d)**

30.04 Integrated Regional Information Networks (IRIN) noted in an article dated 4 November 2010 that "Vulnerable and homeless returnees [to Afghanistan] cannot go back to Pakistan because it no longer accepts new refugees, and UNHCR also no longer offers protection to new refugees in Pakistan." **[41d]**

See also Section Trafficking

AFGHAN REFUGEES

30.05 The USSD Report 2009 cited that:

"Since 1979 the government has provided temporary protection to millions of refugees from Afghanistan. According to the government-run National Database and Registration Authority, there were approximately 1.7 million registered Afghan refugees in the country. There were no credible estimates of how many Afghans are undocumented or unregistered. The government continued to work closely with the UNHCR to provide support to this refugee population, although the Tripartite Agreement between the UNHCR and the governments of Pakistan and Afghanistan, setting the terms and conditions under which Afghan refugees can remain in Pakistan and the structure for the UNHCR-assisted voluntary repatriation program, expired December 31 [2009]. Although the prime minister did not sign the Afghan Management Strategy by December 31, the Ministry for States and Frontier Regions (SAFRON) released a statement to the UNHCR that Pakistan would comply with the Tripartite Agreement and would not force Afghan refugees to return to Afghanistan upon expiration of their Proof of Registration (PoR) cards. SAFRON also requested that the Ministry of Interior issue instructions to provincial home departments and other authorities to prevent harassment

of PoR card holders while the Management and Repatriation Strategy for Afghan Refugees in Pakistan (2010–12) was being finalized. According to the UNHCR, there were more than 80 Afghan refugee camps in the country, including 71 in the NWFP, 12 in Balochistan, and one in Punjab. Most Afghan refugees resided in urban areas." **[3b] (Section 2d)**

30.06 The USSD Report 2009 continued "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 [non governmental organisations] 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 and terrorism." **[3b] (Section 2d)**

30.07 IRIN reported on 4 November 2010 that "More Afghan refugees returned home from Pakistan in 2010 than in the previous year, despite increased insecurity in Afghanistan, the UN Refugee Agency (UNHCR) says. Over 104,000 Afghan refugees returned voluntarily in March-October 2010 – a significant increase on the same period last year when 54,000 returned." **[41d]**

30.08 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]." **[80]**

30.09 The Human Rights Commission of Pakistan (HRCP) recorded in its *State of Human Rights in 2008* report, published 1 April 2009, that the Jalozai 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. **[27a] (p196, Refugees: Jalozai)**

30.10 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." **[27a] (p199, Refugees: Jalozai)**

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31. CITIZENSHIP AND NATIONALITY

31.01 Information issued by the Pakistani government (accessed 7 December 2010) 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 13 countries, including the UK. **[29b]** Travel advice issued by the Foreign and Commonwealth Office, updated 15 November 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..." **[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 **[45]**

NATIONAL IDENTITY CARDS

31.03 The National Database and Registration Authority (NADRA), website accessed 7 December 2010, noted that every "genuine" citizen of Pakistan aged 18 or above is eligible for a Computerised National Identity Card (CNIC). To obtain a CNIC the applicant needs to register at any NADRA Swift Registration Center (NSRC). The following documents are required for the CNIC: birth certificate, educational certificates, and the national identity cards of the applicant's immediate/blood relatives. A citizenship certificate issued by the Ministry of Interior is also required. **[29g]**

31.04 The Human Rights Commission of Pakistan noted in its report, *State of Human Rights in 2009* (HRCP Report 2009), published February 2010, that:

"In November [2009], a three-member bench of the Supreme Court directed the National Database and Registration Authority (NADRA) to formulate a policy for the registration of Hindu couples, according to their religious customs, in order to enable them to get computerised national identity cards. The court heard a suo motu case on the application of a Hindu couple from RahimYar Khan regarding the problems the Hindu community in Pakistan faced in acquiring identity cards. The SC [Supreme Court] also asked the government to introduce legislation in this regard." **[27c] (p42)**

31.05 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] (paragraph 174)**

See also Sections Freedom of religion: 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

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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 Corruption

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33. EXIT AND RETURN

33.01 The US Department of State *Country Report on Human Rights Practices 2009* (USSD Report 2009), published 11 March 2010, 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 that foreigners obtain special permits to enter certain restricted areas, including the FATA [Federally Administered Tribal Areas], Balochistan, and parts of the NWFP [North West Frontier Province], due to security concerns. Foreigners were required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir." **[3b] (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." **[12l]**

33.03 The Government of Pakistan's Federal Investigation Agency (FIA) provided information on their website, undated, accessed 7 December 2010, 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 Times* reported on 20 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 Freedom of Movement

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 7 December 2010) **[29a] (Ordinary Passport)**

33.06 Regarding border control using a Multi-Biometric E Passport, Pakistan's National Database and Registration Authority (NADRA), accessed 7 December 2010, reported on its:

"... Automated Border Control (ABC) system which serves as a tool for law-enforcement agencies in eradicating illegal immigration and human trafficking. The Automated Border Control System is fully automated immigration control system linked with the central Passport server. It authenticates e-Passport, identity and other travel documents by performing on spot Facial Recognition and Fingerprint Identification with utmost reliability and efficiency. It also keeps the record of automated data verification, passenger travel history, flight information, destination, port-of-origin, nationality, verification log and officer's comments." **[29f] (Automated Border Control)**

33.07 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..." **[12l]**

33.08 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 Foreign and Commonwealth Office (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]**

33.09 The Human Rights Commission of Pakistan report, the *State of Human Rights in 2009*, (HRCP Report 2009), published February 2010, noted that "According to the Federal Minister for Religious Affairs, International Machine Readable (IMR) passports were made mandatory for obtaining Hajj visas in 2009. Applications without Computerized National Identity Cards (CNIC) and IMR passports were not entertained causing great inconvenience to the pilgrims." **[27c] (p120)**

See also Sections Freedom of Religion: Passport and ID cards and Corruption

EXIT CONTROL LIST (ECL)

33.10 The website of Pakistan's Ministry of Interior, accessed 30 November 2010, stated the following regarding the Exit Control List (ECL):

"1. Exit from Pakistan (Control) Ordinance, 1981, empowers the Federal Government to prohibit any person from proceeding abroad. Ordinarily following categories of persons are placed on ECL:-

- Persons involved in mass corruption and misuse of power / authority causing loss to the government funds/property.
- Government employees involved in economic crime where large government funds have been embezzled or institutional frauds committed.
- Hardened criminals involved in acts of terrorism / conspiracy, heinous crimes and threatening national security.
- Key directors of firms having tax default / liabilities of Rs. (rupees) 10 million or more.
- Only 2 -3 key directors of firms having more than Rs. 100 million loan default / liabilities.
- Names of persons if recommended by the Registrar, High Courts / Supreme Court of Pakistan and Banking Courts only.
- Drug traffickers...

"2. The On-Line System is operational at the Ministry linked with international airports at Karachi, Lahore, Peshawar, Islamabad and Faisalabad.

"3. Any person aggrieved by the order of Federal Government regarding placement of his name on ECL, can under the law, file a Review Petition giving justifications for review and also can seek a personal hearing with the competent authority.

"4. ECL is reviewed periodically to assess the need for further retention of a person on ECL or otherwise." **[29o]**

33.11 The HRCP Report 2009 noted that:

"The Exit from Pakistan Control Ordinance 1981... remains in force... successive governments have used the ordinance as a tool to harass their political opponents. However, according to a statement submitted by the authorities in the Supreme Court... the interior ministry follows specific criteria while placing names on the ECL. Citizens' names would be placed on the ECL if they were involved in large-scale corruption or misuse of power causing loss to government funds or property, government employees involved in economic crimes where large amounts from government funds were embezzled or in institutional frauds, hardened criminals involved in terrorism, conspiracy and heinous crimes threatening national security and key directors of firms charged with

tax default or liabilities of Rs 10 million or above. People identified by registrars of the Supreme Court, the high courts or banking courts and the names of drug traffickers were also put on the ECL. The names of those who had absconded or gone abroad would be retained on the ECL so that they could be apprehended on return and those in judicial custody would also be on the list because they might be released on bail. Convicts will also be on the ECL till their sentence ends. Criteria for not putting names on the list include people involved in private disputes where government interest is not at stake, except cases of fraud against foreign banks and reputable companies with significant foreign investment. Individuals involved in crimes like murder and robbery will not be put on the ECL unless special grounds were furnished by the home department concerned. Names of directors representing foreign investment in business, women or children undergoing education who are directors merely because of family relationship with major shareholders and deserters from civil or armed forces will not be placed on the list. Requests for placement on the ECL without full particulars and detailed reasons will not be entertained." **[27c] (p117)**

33.12 The HRCP added that "According to an official spokesman 3,924 people in all were on the Exit Control List (ECL) of the Interior Ministry in January 2009. The authorities declined to share the list with the general public." **[27c] (p117)**

33.13 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." **[12l]**

33.14 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]**

33.15 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'." **[12l]**

See also Section Arrest and detention – Legal rights

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TREATMENT OF FAILED ASYLUM SEEKERS

33.16 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]**

33.17 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]**

33.18 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]**

33.19 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]**

33.20 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 2009* (USSD Report 2009), published 11 March 2010, stated:

"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.

"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.

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"Provincial governments have primary responsibility for enforcing labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC [International Trade Union Federation], labor inspectors exempted certain employers from inspection in Sindh and Punjab. Many workers remained unaware of their rights, especially in the informal labor sectors." **[3b] (Section 7e)**

34.02 The Human Rights Commission of Pakistan report, the *State of Human Rights in 2009* (HRCP Report 2009), published July 2010, stated:

"Even though labour laws were amended in the books, the actual situation remained unchanged. Despite the presence of an independent judiciary, the labourers of Pakistan remained deprived of justice in 2009. According to the National Trade Union Federation, the two labour courts in Lahore had been without any judges for the last few years. Labourers wait for work on a Sunday.

"Nearly 1,000 cases were pending in these courts till the first half of 2009. Furthermore, the ban on labour inspection was not lifted even by the new democratic government elected in 2008. No progress was also made on the issue of a separate labour court for the capital city of Islamabad." **[27c] (p224)**

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Annex A

CHRONOLOGY OF MAJOR EVENTS

As reported in the BBC's *Timeline – Pakistan A chronology of key events*, updated 7 December 2010 **[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 Zulfiqar Ali Bhutto becomes prime minister.

1977 Riots erupt over allegations of vote-rigging by Zulfiqar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.

1978 General Zia becomes president.

1979 Zulfiqar Ali Bhutto hanged.

1980 US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.

1985 Martial law and political parties ban lifted.

1986 Zulfiqar 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.
	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.
	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.

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.
	A bomb blast in a hotel in Peshawar kills 24.

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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.

202 The main text of this COI Report contains the most up to date publicly available information as at 10 December 2010. Further brief information on recent events and reports has been provided in the Latest News section to 14 January 2011.

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.

Suicide bombing in northwestern city of Peshawar kills 120 people.

November — President Asif Ali Zardari hands control of Pakistan's nuclear arsenal to PM Yousuf Raza Gilani, in apparent attempt to ease political pressure.

December — Supreme Court rules that amnesty decree protecting President Zardari and several of his allies against corruption charges was illegal.

2010

January — Suicide attack on a volleyball match in north-west kills more than 100 people.

April — Parliament approves package of wide-ranging constitutional reforms. Measures include transferring key powers from office of president to prime minister.

August	Worst floods in 80 years kill at least 1,600 people and affect more than 20 million. Government response widely criticised.
September	Pakistan temporarily suspends NATO supply route into Afghanistan after series of US drone strikes in northwest.
October	Ex-military ruler Musharraf apologises for "negative actions" while in power, launches political party from exile in UK.
	Rise in targeted political killings, bombings in commercial hub of Karachi.
December	50 killed in a double suicide attack in Mohmand, near the Afghan border, during a gathering of tribal elders.

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Annex B

POLITICAL ORGANISATIONS

Pakistan People's Party (PPP)
A mainstream party advocating Islamic socialism and democracy. Co-chaired by Pakistan Head of State, President Asif Ali Zardari (widower of Benazir Bhutto), and their son, Bilawal Bhutto Zardari. PPP member Yusuf Raza Gilani was nominated as Prime Minister following the 2008 elections. The only party to have candidates in the National Assembly and in all four Provinicial Assemblies; has formed governments at the centre and in Sindh and Balochistan provinces. (Europa World Online, accessed 1 December 2010) **[6] (Political organisations)** (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Pakistan Muslim League – Nawaz (PML-N)
Founded in 1993 and led by Nawaz Sharif. Twice in power: from 1990 to 1993 and again from 1997 to 1999 before being overthrown in a bloodless coup by the then army chief, Pervez Musharraf. Briefly in coalition with the PPP after the 2008 elections; currently in government in Punjab province. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Pakistan Muslim League – Quaid-e-Azam (PML-Q)
Formed in 2001 with the support and intervention of the then military regime. Led by Chaudhry Shujaat Hussain, the party became simply the Pakistan Muslim League following a split with coalition partners in 2004, but is still popularly known as the PML-Q. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Muttahida Qaumi Movement (MQM)
Led by Altaf Hussain and originally called the Mohajir Quami Movement, founded in 1984 and renamed in 1997. Representing the interests of Muslim-Urdu speaking migrants (from India, following partition), the MQM is the forth largest party in the National Assembly with 25 seats, and part of a coalition government in Sindh with the PPP. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

See also Ethnic groups: Formation of MQM

Awami National Party (ANP)
Formed in 1986 and essentially a left-wing Pashtun nationalist party. Led by Asfandyar Wali Khan, the ANP emerged triumphant in the 2008 elections as the largest party in the NWFP (Khyber Pakhtunkhwa) Assembly, won seats in Sindh and Balochistan as well as the National Assembly. The ANP has attempted to maintain dialogue with the militants although this has become less successful following the increase in militant activity since May 2008. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Muttahida Majlis-e-Amal (MMA) (United Action Front)
A coalition of disparate Islamic parties including Jamaat-e-Islami (JI) - Qazi Hussain Ahmad (Deobandi), Jamiat-e-Ulema Pakistan (JUP) (Barelvi), Jamiat-e-Ulema Islam - Fazal-ur-Rehman (JUI-F) (Deobandi), Jamiat-e-Ulema Islam - Samiul Haq (JUI-S) (Deobandi), Islami Tehreek (or Tehrik) Pakistan (Shia) and Jamiat Ehla-e-Hadith (Ahl-e-Hadith). However, this coalition disintegrated in the run-up to the 2008 elections as the JI boycotted them, and the JUI-F contested them albeit under the MMA banner, winning seven seats in the National Assembly and 14 in the NWFP. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Jamaat-e-Islami (JI)
A religious-based political party founded in 1941, which decrees Islam as "... a complete system of politics, economics and culture." Opposed to the West, the JI believes sharia (Islamic law) regulations should govern all aspects of life and advocates jihad to achieve an Islamic state. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Jamiat-e-Ulema Islam (JUI)
The JUI is split into two factions, led by Maulana Fazal ur-Rehman (JUI-F) and Maulana Samiul Haq (JUI-S). An extensive network of madrassas that train most of the leadership and much of the rank and file of the Taliban continues to be run by the JUI. Despite extremist rhetoric, Rehman, remains an important link between the MMA and government, currently a member of the broad ruling coalition holding three cabinet posts. (Europa World Online, accessed 1 December 2010) **[6] (Political organisations)** (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Jamiat-e-Ulema Pakistan (JUP)
Founded in 1948/49 advocating Sufi-influenced, Sunni Islamic principles with largely Mohajir support. The JUP boycotted the 2008 elections and has little popular support or organisational ability. (Europa World Online, accessed 1 December 2010) **[6] (Political organisations)** (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

All Pakistan Muslim League (APML)
The new party of former President Pervez Musharraf, established on 1 October 2010 in London and expected to contest the 2013 parliamentary elections. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

OTHER POLITICAL PARTIES

All Jammu and Kashmir Muslim Conference
Awami Muslim League (AML)
Awami Qiyadat Party (People's Leadership Party)
Balochistan National Party—Awami (BNP—A)
Balochistan National Party—Maingal (BNP—M)
Jamhoori Watan Party (Bugti) Balochistan
Millat Party
National Party
National People's Party (NPP)
Pakhtoonkhwa Milli Awami Party
Pakistan Awami Tehreek (PAT)
Pakistan Democratic Party (PDP)
Pakistan Muslim League—Functional (PML—F)
Pakistan People's Party (Shaheed Bhutto Group)
Punjabi Pakhtoon Ittehad (PPI)
Sindh National Front (SNF)
Sindh Taraqi Passand Party (STPP)
Tehreek-e-Insaf (Movement for Justice)
(Europa World Online, accessed 1 December 2010) **[6] (Political organisations)**

OUTLAWED PARTIES AND ORGANISATIONS

Millat-e-Islamia Pakistan (MIP)

Formerly known as Sipah-e-Sahaba Pakistan (SSP) and founded in 1984, the MIP is overtly anti-Shia with aims to make Pakistan a Sunni state. Its leader, Azam Tariq, was assassinated in October 2003 by unknown gunmen, and replaced by Mullah Muhammad Ahmed Ludhanvi. The party was banned in November 2003. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

Tehrik-e-Nefaz-e-Shariat-e-Mohammadi (TNSM)
The TNSM (Movement for the Enforcement of Islamic Law) is a militant tribal organisation led by Maulana Sufi Mohammad. A breakaway faction, led by Sufi Mohammad's son-in-law, Maulana Fazlullah, and under the umbrella of the Tehrik-e-Taliban Pakistan (TTP), poses a significantly greater security threat than the original group. (Jane's, updated 2 December 2010) **[1a] (Internal affairs)**

See also Section: Security: Pakistani Taliban and Annex C

OTHER BANNED GROUPS

Khuddam-i-Islam (Jesh-i-Mohammadi)
Islami Tehrik-i-Pakistan (Tehrik-i-Jafria Pakistan)
Jamiat-ul Ansar (Harakat-ul-Ansar)
Hizb ut-Tahrir
Jamaat-ul Farqan (a sister organisation of the Jesh-i-Mohammadi)

Annex C

TERRORIST AND EXTREMIST GROUPS

KASHMIRI GROUPS

Hizb-ul-Mujahideen (HM)
Founded in 1989 and led by Syed Salahuddin, alias Maulvi Yousuf Shah, HM is the militant wing of the Jamaat-e-Islami political party in Pakistan and one of the most active militant groups in Indian-administered Kashmir (IAK). Salahuddin is based in Muzaffarbad in Pakistan administered Kashmir. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

Harakat-ul-Mujahideen (HuM) (Movement of Holy Warriors)
A militant Islamist group founded in 1985 and formerly known as Harakat-ul-Ansar (HuA), the HuM, until 1999, was one of the largest and most dangerous Pakistan-based jihadist groups fighting in the IAK. Since then it has lost manpower and is much less active. Unconfirmed reports suggest the HuM may be regrouping. The US Department of State identifies Maulana Sadaatullah Khan as HuM's leader. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

Jesh-e-Mohammadi/Jaish-e-Mohammed (JeM) (Army of the Prophet Mohammad)
Founded in December 1999 by Maulana Masood Azhar, JeM is an active militant Islamist group posing a major terrorist threat to India and Pakistan, and to Western targets within those countries. Sometimes referred to as Jaish-e-Mohammed-e-Tanzeem, JeM also goes under the aliases Khuddam-ul-Islam, Khudamul Islam and Kuddam e Islami. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)** (South Asia Terrorism Portal, Pakistan Terrorist and Extremist Groups, accessed 2 December 2010) **[61e]**

Lashkar-e-Tayyiba/Toiba (LeT) (Army of the Pure)
Founded in 1989, the LeT (banned in Pakistan in 2002) is one of the most active and best known Kashmiri militant groups. The Jamaat-ud-Dawa (JuD), classified as a terrorist organisation by the UN Security Council, is considered to be a front for the LeT. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

SECTARIAN GROUPS

Soldiers of the Companions of the Prophet (Sipah-e-Sahaba Pakistan: SSP)
Founded in the early 1980's and banned by Pakistan in 2002, the SSP was renamed Millat-e-Islamia Pakistan (MIP) in April 2003, and Ahle Sunnat wa Aljamaat Pakistan (The Sunni Party: ASWJP) in June 2008. A radical Sunni group, the SSP is no longer a significant force in Pakistan but is associated with the LeJ, and individuals and small groups still pose a threat to Shia's and Christians. The current SSP leader is Mullah Muhammad Ahmed Ludhianvi. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

Soldiers of Mohammed (Sipah-e-Mohammed: SMP)
A radical Shia group in opposition to the SSP. Formed in 1993 and banned by Pakistan in 2001. Individuals from the SMP remain active and dangerous although as a group the organised threat has been reduced due to financial difficulties and the arrest of key leaders. SMP leaders Ghulam Raza Naqvi and Munawar Abbas Alvi are in prison. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

SECCESSIONIST GROUPS

Balochi insurgents:

Baloch Liberation Army (BLA), Balochistan Republican Army (BRA), Baloch People's Liberation Front (BPLF), Baloch Students' Organisation-Awami (BSO-A) and Popular Front for Armed Resistance (PFAR).
Active political groups fighting for Balochistan independence but posing no direct threat to the Pakistan government. However, attacks on public transport, fuel facilities and security forces make travel through Balochistan and Sindh provinces extremely dangerous for foreigners. A long-standing feud between the Bugti and Marri tribes, led by fierce nationalists Nawab Sardar Brahamdagh Khan Bugti and Khair Bux Marri, respectively, is a major cause of disruption in the Balochistan province. (Jane's, updated 21 June 2010) **[1a] (Non-state armed groups)**

Other domestic groups:

Lashkar-e-Omar (LeO)
Tehreek-e-Jaferia Pakistan (TJP)
Lashkar-eJhangvi (LeJ)
Jamaat-ul-Fuqra
Nadeem Commando
Popular Front for Armed Resistance
Muslim United Army
Harkat-ul-Mujahideen Al-alami(HuMA)
(South Asia Terrorism Portal, Pakistan Terrorist and Extremist Groups, accessed 2 December 2010) **[61e]**

PAKISTANI TALIBAN GROUPS

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 Khyber Pakhtunkhwa (formerly the NWFP) to coordinate and consolidate their activities. Following the death of TTP leader, Bailtullah 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 (reports of his death remain unconfirmed) in South Waziristan agency of FATA. (Jane's, 22 November 2010) **[1b]**

The Intergrated Regional Information Network (IRIN), dated 13 October 2010, provided a guide to the main militant groups, splinter groups from the TTP, operating in Pakistan's Northern provinces. **[41f]**

See also Annex B: Political organisations: Outlawed parties and organisations

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Annex D

PROMINENT PEOPLE

President	Asif Ali Zardari
Prime Minister	Yousuf Raza Gilani
Minister of Defence	Chaudhry Ahmed Mukhtar
Minister of Education	Sardar Aseff Ahmed Ali
Minister of Foreign Affairs	Makhdoom Shah Mehmood Qureshi
Minister of Health	Makhdoom Shahabuddin
Minister of Human Rights	Syed Mumtaz Alam Gillani
Minister of Interior	A. Rehman Malik
Minister of Information and Broadcasting	Qamar Zaman Kaira
Minister of Minorities	Shahbaz Bhatti
Minister of Religious Affairs	Syed Hamid Saeed Kazmi
Minister of Social Welfare and Special Education	Samina Khalid Ghurki
Minister of Women Development	Dr. Firdous Ashiq Awan **[29e]**

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

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) **[35d]**

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 Times*, 31 December 2007) **[55e]**

Musharraf, Pervez
As head of the army, the then General Musharraf seized power from Prime Minister, Nawaz Sharif, in a bloodless coup in 1999. 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) **[39a]** Mr Sharif returned from exile in November 2007. (BBC Timeline: Pakistan, 7 December 2009) **[35b]**

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Annex E

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex F

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