

PAKISTAN

U.S. Department of State

Pakistan Country Report on Human Rights Practices for 1997

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Pakistan is an Islamic republic with a democratic political system. A popularly-elected parliament and a government headed by a Prime Minister have wide constitutional power, shared to a limited extent with the President and, informally, the Chief of the Army Staff who wields considerable influence on many major policy decisions. The Pakistan Muslim League government of Prime Minister Mian Nawaz Sharif, which came to power in February with a massive parliamentary majority, passed a constitutional amendment in April that removed the President's power to dismiss the Government and dissolve parliament "in his discretion." As a result, the popularly-elected government has greater power than any of its predecessors since the return of formal democracy in 1988. The Government's power was further enhanced by the constitutional confrontation between the Prime Minister and the Chief Justice over the selection of five new justices for the Supreme Court. As a result of this struggle over judicial versus executive authority, President Leghari resigned in early December, and the Prime Minister's own candidate was elected to the presidency on December 31. Also in December, a ten-judge Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers fear that this confrontation damaged the prestige and independence of the judiciary. The Constitution provides for an independent judiciary; however, it is subject to executive branch influence.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, are called in to provide additional support in areas where law and order problems are especially acute, such as Karachi and the frontier areas. Provincial governments control the police and paramilitary forces when they are assisting in law and order operations. The army is also occasionally deployed to assist in maintaining public order in sensitive areas during certain religious holidays. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth between social classes. Its per capita annual income is \$470, and its rate of illiteracy is extremely high, especially among women. The economy includes both state-run and private industries and financial institutions. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy. The Government has taken some steps in pursuit of economic reforms, emphasizing the privatization of government-owned financial institutions, industrial units, and

utilities. Cotton, textiles and apparel, rice, and leather products are the principal exports.

The Government's human rights record remained poor, with serious problems regarding police abuse, religious discrimination, and child labor. Police committed numerous extrajudicial killings and tortured, abused, and raped citizens and in many cases were not brought to justice. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. Since the dismissal of the Pakistan People's Party (PPP) government of Benazir Bhutto by President Leghari in November 1996, both the caretaker government and later the elected Nawaz Sharif government took some steps to end human rights abuses by police and paramilitary forces. However, in general, police continued to commit serious abuses with impunity. In Karachi, for example, there have been few verified reports of extrajudicial killing by security forces, though representatives of the Muttahida Quami Movement (MQM) charge that their party continues to be targeted by the security forces. The Government has sometimes used the "accountability" process--by which the present Government hopes to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions--for political purposes by arresting a number of prominent politicians and bureaucrats connected with the main opposition party. Few of those arrested and questioned have been put on trial. Case backlogs lead to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive influence, and suffers from inadequate resources, inefficiency, and corruption. Sectarian strife in Punjab province and politically-motivated violence in Karachi prompted the Government in August to pass a law creating a system of Special Courts to try persons accused of terrorism and other "heinous crimes." Human rights advocates, opposition leaders, and others criticized the law, charging that it violates the Constitution by setting up a parallel judicial system charged with deciding cases in truncated time periods (7 days) and by granting the police extraordinary powers that threaten individual liberties. The Government infringed on citizens' privacy rights. Although the press largely publishes freely, journalists practice self-censorship and the broadcast media remain a closely-controlled government monopoly. The Government imposes limits on the freedom of assembly, movement, and--for the Ahmadis in particular--religion.

Political groups, including rival Sunni and Shi'a sectarian extremists and the MQM and their opponents, were responsible for killings, while religious zealots continued to discriminate against and persecute religious minorities, particularly Ahmadis and Christians, basing their activities in part on legislation that discriminates against non-Muslims. Government-imposed procedural changes have made the registration of blasphemy charges more difficult. Nonetheless, three Ahmadis were convicted under the blasphemy law during the year and a number of people are still facing trial. Religious and ethnic-based rivalries resulted in numerous murders and civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society. They continued to be subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. Violence against children, as well as child abuse and prostitution, remained problems. Female children still lag far behind boys in education, health care, and other social benefits. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it is now generally recognized as a serious problem and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Police professionalism is low. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which the police shoot and kill the suspects, is common. In September the Prime Minister took note of the number of individuals killed while in police custody and called on the Punjab chief minister--who is the Prime Minister's brother--to crack down on police torture. Rival political groups use police to kill each other's activists in such fake encounters and criminal organizations use police to kill members of rival organizations, in a similar fashion. Suspected criminals are murdered by the police to prevent them from implicating police in crimes during court proceedings. Police officials maintain in private that due to the lack of concrete evidence, witness intimidation, corruption in the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. The police view the killings of criminal suspects as appropriate in light of the lack of action by the judiciary against criminals. The judiciary, on the other hand, faults the police for presenting weak cases that do not stand up in court.

Police officers are occasionally transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these murders have failed to result in any police officer receiving criminal punishment, though several have recently been charged with criminal offenses in such cases. In May and June, Lahore police killed several notorious alleged criminals, including Shahid Butt, wanted in a number of murders, robberies and kidnappings. The police claimed that Shahid was killed in a shootout after running a roadblock on May 31. Shahid's family claims that he was in police custody for 4 days before he was shot. The police who took part in the alleged encounter were rewarded with cash prizes and promotions.

In one of many examples of police murders, Mohammad Ali, age 27, was tortured and killed by Punjab police in the early morning hours of July 27, according to the Human Rights Commission of Pakistan. His legs had been crushed, evidently by some sort of roller, and his torso was marked by numerous wounds. After a day and a half of torture, police dumped his body at Sahiwal hospital where an alert staff member challenged the police. Although seven officers were arrested for the murder, actual criminal punishment of the officers is considered unlikely, according to human rights advocates. Police torture was common and resulted in other deaths (see Section 1.c.).

The death while in police custody of an alleged goat thief, Muhammed Islam, sparked a series of violent protests against police cruelty in Lahore in September. According to press reports, Islam's family alleged that police tortured Islam to death during interrogation, while the police maintained that Islam had committed suicide by hanging himself. A post-mortem report found evidence of torture on Islam's body, but did not mention the cause of death. In the wake of protests by residents of the area and activists of the Islamist political party Jamaat-I-Islami's youth wing, the police arrested a police sub-inspector and a constable on charges of murder.

PPP party members demonstrated in Karachi in September to protest the killing of a PPP activist who was shot by police. The victim, Abdul Karim Khaskali, reportedly was picked up by police while on his way to donate blood. The police initially claimed that Khaskali was shot while trying to escape from custody, but they later arrested a head constable on murder charges.

At times police used excessive force against demonstrators. For instance, two people were shot and killed by police at the Prime Minister's appearance at 50th anniversary celebrations in Karachi at the mausoleum of Pakistan's founder, Muhammad Ali Jinnah, when crowds pressed against the Prime Minister's entourage.

Karachi remained a hotbed of politically-motivated violence, although extrajudicial killings by security forces there diminished, after the MQM became a coalition partner in the state government. Tensions between the federal and provincial governments and the MQM continued, despite the fact that the MQM became a coalition partner with the Pakistan Muslim League (PML) both in the Sindh Government and the federal Government, and now holds half the cabinet positions in Sindh and one minister in the federal government. The MQM was formed in 1984 as a response to a set of real and perceived political grievances on the part of the Mohajirs, Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947, and their descendants. The MQM, in part because of its successful organizational structure and its willingness to use violence and intimidation to further its ends, grew to become the dominant political party in urban Sindh, sweeping to power in November 1987 local elections in Karachi and Hyderabad. Relations between the MQM and the Government have been contentious and often violent ever since.

After the formation of the new Sindh government in February, MQM hopes that the paramilitary Rangers would return to their barracks were thwarted, and a build-up of Ranger forces was ordered, despite criticism from the MQM, which believed itself to be the Rangers' chief target. The Government has constituted a committee of PML and MQM leaders to investigate extrajudicial killings and missing MQM workers, but there has been little progress in the investigations. Impunity of security forces and police personnel remains a problem.

On November 12, four U.S. citizen employees of Union Texas Pacific, along with their Pakistani driver, were shot and killed while traveling to the company's headquarters in Karachi. No one has claimed responsibility for the killings, and extensive investigations have failed to establish any motives or suspects. On September 17, five Iranian air force personnel and their Pakistani driver were killed at a busy intersection in Rawalpindi. The radical Sunni organization Lashkar-I-Jhangvi claimed responsibility for the killings. A number of arrests have been made in connection with the case, but it is not yet clear whether those who have been arrested will be charged with carrying out the murders.

Asif Ali Zardari, husband of former Prime Minister Benazir Bhutto, is on trial for the murder of Benazir Bhutto's brother, Murtaza Bhutto. The trial is taking place in closed session at the Karachi jail. In March Zardari was elected to the Senate on the PPP ticket but was not allowed to take the oath of office until December, when the Sindh High Court decided that he should be allowed to take his seat in the Senate. He is to attend future Senate sessions under guard and is to be housed in a jail in Rawalpindi during the sessions.

b. Disappearance

There were no confirmed cases of politically motivated disappearances.

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

Although expressly forbidden by the Constitution and the Penal Code, torture and other cruel, inhuman, or degrading treatment by police remained common practice. Police routinely use force to elicit confessions. Authorities suggest that because of the widespread use of physical torture by the police, suspected criminals usually confess to the crimes with which they are charged regardless of their guilt or innocence; subsequently, many such confessions are thrown out by the courts.

Common torture methods include: beating, burning with cigarettes, whipping the soles of the feet, sexual assault, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, forced spreading of the legs, and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes. According to press reports, in August two men died while in police custody in Hyderabad. Doctors' reports stated that the deaths were due to torture. Police torture resulted in other deaths (see Section 1.a.). In September the Rawalpindi bench of the Lahore High Court directed the police to file charges against nine policemen who allegedly detained and tortured a man charged with theft. According to the first incident report (FIR)--an official document that initiates a criminal investigation--the man was held for 6 days, during which time he was hung upside down and repeatedly tortured by constables.

On April 28, Mohammad Ayyaz Baluch was arrested at his Islamabad home by Pakistani authorities. There is evidence that he was tortured in custody prior to his trial and conviction by a military court.

The overall failure of successive governments to prosecute and punish abusers is the single greatest obstacle to ending or even reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. Amnesty International (AI) estimates that up to 100 people die from police torture each year.

The Anti-Terrorism Law passed in August allows confessions obtained while in police custody to be used to convict defendants in the new "special courts." Human rights organizations and the press have criticized this provision of the law, as it is commonly believed that the police regularly torture suspects. However, the law stipulates that the confession must be taken by a police officer not below the rank of deputy superintendent and that the court may require a videotape of the confession.

In general, due to greater scrutiny by nongovernmental organizations (NGO's) and media attention, as well as more frequent and thorough prison inspections, torture and abuse is less common in prisons than it is in police stations.

Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registration of cases on false

charges and may torture innocent citizens. People pay police to humiliate their opponents and to avenge their personal grievances.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. In July Punjab province chief minister Shahbaz Sharif declared his own police were "corrupt and inefficient." He appointed new senior officers to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions.

It is commonly accepted, and President Leghari has publicly stated, that police stations are sold--meaning that police officials pay bribes to politicians and senior officials in the department in order to get posted to the police stations of their choice. They then recoup their investments by extorting money from the citizenry.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These police stations, staffed by female personnel, are provided with even more inadequate material and human resources than regular police stations, according to human rights advocates. According to the Government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations requiring that female suspects be interrogated only by female police officers, women continued to be detained overnight at regular police stations and abused by male officers. In a study of Lahore newspapers from January to July, the Commission of Inquiry for Women found 52 cases of violence or torture of women while in police custody. A particularly brutal example of such abuse involved a 16-year-old girl who was suspected of helping a woman run away from home. Two reliable human rights organizations report that the girl was gang-raped by police and relatives of the missing woman, after which hot chillies were forced inside her vagina. In another incident involving police misconduct with women, the Prime Minister ordered an inquiry into a report that the Secretariat police station had kept a woman, Shamim Akhtar, in custody for 3 days in July, allegedly for helping her husband in a car theft. Akhtar was reportedly tortured and paraded naked around the police station before being presented in court, which subsequently released her on bail. Instances of abuse of women in prisons are less frequent than in police stations (see Section 5).

The Hudood Ordinances, promulgated by the central martial law government in 1979, were an attempt to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Islamic law, or Shari'a, including death by stoning for unlawful sexual relations and amputation for some other crimes. These Koranic penalties--known as Hadd punishments--require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 18 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines may be imposed. From 1979 to 1995, over 1 million Hudood cases were filed with the police, and 300,000 have been heard by the courts. The laws are applied to Muslims and non-Muslims alike.

Women are frequently charged under the Hudood laws on sexual misconduct, such as adultery. Approximately one-third of the women in Lahore central jail are awaiting trial for adultery. Most women tried under the ordinance are acquitted, but the

stigma of having been jailed for adultery is severe. A Hudood law meant to deter false accusations is weakly enforced and one human rights monitor claimed that 80 percent of all adultery-related Hudood cases are filed without any supporting evidence. According to Amnesty International, men accused of rape are sometimes acquitted and released while their victims are held on adultery charges. The Commission of Inquiry for Women has recommended that the Hudood laws be repealed, as they are based on an erroneous interpretation of Shari'a (see Section 5).

Prison conditions are poor. Overcrowding is a major problem, and the Law Commission estimates that almost every jail in the country has three times more prisoners than its nominal capacity. For example, according to the Pakistan Law Commission's report on jail reform, issued in August, Pakistan's jails have a capacity of 34,014 prisoners, but, as of mid-1996, they held 74,483 convicted and "under trial" prisoners. In addition, according to a report issued by the Punjab Prisons Department in June, 52,826 prisoners (including 928 women) were being held in 28 facilities with a capacity of 17,271. The Karachi central jail houses 4,700 prisoners, though its capacity is only 1,000. According to press reports, only 391 of these prisoners have been convicted, while the rest are either awaiting trial or pursuing appeals.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. The use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better with prisoners in "A" cells permitted to have servants, special food, and televisions. The authorities reserve "A" cells for prominent persons. Especially prominent individuals--including some political figures--are sometimes held under house arrest and permitted to receive visitors. The Government announced in September that imprisoned women who are not facing criminal charges have been transferred to "B" cells.

The Government permits prison visits by human rights monitors.

There were reports that wealthy landlords or political parties operated private jails. Many such jails are believed to exist in tribal and feudal areas and one press report stated that as many as 50 private jails were being maintained by landlords in lower Sindh. Some of the prisoners reportedly have been held in them for many years. An investigation by an English-language daily in September uncovered a private torture cell, allegedly run by an assistant sub-inspector (ASI) of police, in which victims, none of whom were charged with crimes, were held and tortured in order to extort money from them and their families. The ASI and one of his constables subsequently were suspended by the Punjab inspector general of police.

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law. The law permits a Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report that there have

been instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, the police may hold a suspect for 24 hours without charge. After the prisoner is produced before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation.

Police may arrest individuals on the basis of a FIR filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's are thus frequently used to harass or intimidate individuals. Charges against an individual may also be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police, who then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but another FIR is then activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in continuous custody.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. Such proof, however, may be little more than unsubstantiated assertions by the police. In practice, the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until they are challenged by a court. The police sometimes detain individuals arbitrarily without charge, or on false charges, in order to extort payment for their release. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while the police bargain for a higher price for their release. There are also reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continue to be arbitrarily detained and sexually abused (see Section 1.c.). Police also detain relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases trials do not start until about 6 months after the filing of charges.

The Government permits visits by human rights monitors and family members and lawyers. However, in some cases, authorities refuse family visits and in some police stations people are expected to pay bribes in order to visit a prisoner.

The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain the fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority, repeatedly, during the year. For example, in July in an effort to resolve a kidnapping, government authorities in Bajaur Agency detained a 17-year-old boy who had no connection to the alleged crime. The boy's father appealed to the Prime Minister in an effort to obtain the release of his son. In other instances, in July and August, the Government used this authority in Khyber Agency to find "proclaimed offenders" who had sought refuge in this tribal agency. The Government demolished the houses of several alleged criminals.

However, in April the Government issued an amendment to the FCR that allows residents of the FATA to appeal decrees, sentences, and other acts of the political agent. As of September 10, hundreds of appeals of political agents' decisions had been lodged.

The Government sometimes uses mass arrests to quell civil unrest. Sectarian violence in the Punjab caused the Government on several occasions to round up hundreds of members of extremist groups and students at religious schools believed to be terrorist recruiting centers and training grounds. Police also arrested demonstrators, including members of religious minorities and political parties (see Section 2.b.).

The Accountability Commission established by the caretaker government and headed by a retired judge has been overshadowed by an "accountability cell" headed by a close associate of the Prime Minister. This cell has been accused of conducting politically-motivated investigations of politicians, senior civil servants, and business figures, designed to extract evidence and in some cases, televised confessions of alleged wrongdoers. Some examples of televised confessions included Salman Farooqi, Secretary of Commerce under Benazir Bhutto; Ahmed Sadiq, Benazir Bhutto's principal secretary; and Zafar Iqbal, chairman of the Capital Development Authority.

Most politicians and bureaucrats who have been charged with corruption or other crimes are out on bail (in addition to murder, Benazir Bhutto's husband, Asif Zardari, has also been charged with corruption). The MQM contends that several thousand of its members are still in jail on politically-motivated charges which date from the 1992-96 period. The Government is supposed to be reviewing the cases of these imprisoned individuals (most of whom are awaiting trial) to see if they can be released. To date, few of them have been released.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, however, in practice, the judiciary is subject to political influence. Nonetheless, during the course of 1996-1997 the judiciary vigorously asserted its authority in a number of disputes with the executive branch. The Government's power was further enhanced by the constitutional confrontation between the Prime Minister and the Chief Justice over the selection of five new justices for the Supreme Court. As a result of this struggle over judicial versus executive authority, President Leghari resigned in early December, and the Prime Minister's own candidate was elected to the presidency on December 31. Also in December, a ten-judge Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers fear that this confrontation damaged the prestige and independence of the judiciary. Low salaries, inadequate resources, heavy workloads, and corruption contribute to judicial inefficiency, particularly in the lower courts.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for high-profile cases, as well as the federal Shari'a appeals courts for certain Hudood offenses. The appeals process in the civil system is: civil court, district court,

High Court, and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

Special terrorist courts began operation in Punjab in August. These courts, designed for speedy punishment of terrorist suspects, have special streamlined procedures. The new Anti-Terrorism Law, under which the courts were established, sanctions the death penalty for "terrorist acts", which are defined very broadly, that cause the death of any person, and jail sentences of 7 years to life for other terrorist acts. Acts, including speech, intended to stir up religious hatred are punishable by up to 7 years' rigorous imprisonment. Cases are supposed to be decided within 7 working days, and trials in absentia are permitted. Appeals to an appellate tribunal are also required to take no more than 7 days. Bail is not to be granted if the court has reasonable grounds to believe the accused is guilty. Those charged with offenses committed prior to the date of the act are subject to the special courts, but can only receive punishments that were stipulated by laws in force at the time the crime was committed. Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the new courts, charging that they constitute a parallel judicial system and could be used as tools of political repression.

The anti-terrorist courts are also empowered to try people accused of particularly "heinous" crimes, such as gang rape and murders that are not terrorist-related. In September, for example, an anti-terrorist court in Faisalabad sentenced a man to death for killing seven members of his own family. In addition, the Punjab Advocate General on September 9 told the Lahore High Court bench that all cases filed under Section 295 of the Penal Code (the so-called blasphemy law) would be transferred to the special courts. Human rights advocates fear that if this occurs, alleged blasphemers who in the past were normally granted bail or released for lack of evidence are likely to be convicted, given the less stringent rules of evidence required under the Anti-Terrorism Act. In Punjab province--where the bulk of the anti-terrorist courts are located and where the vast majority of sectarian-related cases are being tried--146 sectarian-related cases were referred to the courts, but only 13 have been decided. In those 13 cases, two death sentences were handed down, three sentences of life imprisonment were given, and there were eight acquittals. A total of 1311 non-sectarian cases were turned over to the anti-terrorist courts in Punjab, but only 146 had been decided by year's end. No death sentences have been carried out by year's end.

Following the historic March 1996 judgment of the Supreme Court curtailing powers of the executive to appoint and transfer judges of the superior courts, the judiciary has been asserting its authority more aggressively. However, the confrontation between the Prime Minister and the Chief Justice which resulted in the removal of Sajjad Ali Shah as Chief Justice is widely viewed as a setback to the cause of judicial independence.

In August a commission chaired by Supreme Court Chief Justice Sajjad Ali Shah opposed the establishment of "a parallel system" of special anti-terrorist courts. Also in August, taking note of ongoing sectarian violence and the Government's failure to control it, the Chief Justice summoned administrators and leaders of various Islamic sects to discuss ways to quell the violence. The judiciary has argued that it has not been able to try and convict terrorist suspects speedily because of poor police casework, prosecutorial negligence, and the resulting lack of evidence.

The civil judicial system provides for an open trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, although defendants are required to make frequent court appearances. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail. The Code also stipulates that those accused in nonbailable offenses should be granted bail if the crime of which they are accused carries a sentence of less than 10 years.

The federal Shari'a Court and the Shari'a bench of the Supreme Court serve as appeals courts for certain convictions in criminal court under the Hudood Ordinances. The Federal Shari'a Court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Scores of positions in both the higher and lower courts remained unfilled. For example, the Lahore High Court operates with only 43 judges, though it is entitled to have 50. This shortage is partly due to a lack of money: a High Court judge costs the Government roughly \$2,500 (approximately 100,000 rupees) per month, which includes funds for salary, travel allowances, housing, and servants. The politicized appointment process also holds up the promotion of many lower court judges to the higher courts.

Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates.

Persons in jail awaiting trial are sometimes held for periods longer than the sentence they would receive if convicted. For example, the large backlog in the Rawalpindi bench of the Lahore High Court delays justice for citizens. As of September, there were 10,000 cases pending, with only a handful of judges to review them. Court officials report that each judge reviews between 70 and 80 cases per day, but action is taken on only 3 or 4 each week. The Law Ministry, in reply to a question in the National Assembly in late September, reported that there are over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial high courts. Clogged lower courts exacerbate the situation; the majority of cases in the high courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges are frequently referred to panels composed of two or three High Court judges.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money), with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. The right to seek pardon or commutation is not available to defendants under these ordinances. The Hudood, Qisas, and Diyat ordinances apply to both ordinary criminal courts and Shari'a courts. According to Christian activists, if a Muslim murders a non-Muslim, he can compensate for the crime by paying the victim's family Diyat; however, if a non-Muslim murders a Muslim, he does not have the option of paying Diyat and must serve a jail sentence or face the death penalty for his crime. Though not commonly

used, these doctrines are occasionally applied, particularly in the NWFP. For example, in July a convicted murderer waiting to be hanged in the Mardan district jail was freed hours before his scheduled execution. The family of the killer reached a compromise with the family of the victim. Besides agreeing to other terms and conditions, the murderer's family paid Diyat. However, another person in the same case was hanged, as no compromise was reached with the victim's family.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shari'a courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and be familiar with Islamic law. Within these limits, defendants in a Shari'a court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood Ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd (Koranic punishment) and others to Tazir (secular punishment) (see Section 1.c.). Although both types of cases are tried in ordinary criminal courts, special rules of evidence apply in Hadd cases. For example, a non-Muslim may not testify against a Muslim, but may testify against another non-Muslim. Likewise, the testimony of a woman is not admissible in cases involving Hadd punishments. No Hadd punishment has ever been applied in the 18 years that the Hudood Ordinances have been in force. A woman's testimony regarding financial matters is not admissible unless corroborated by another woman (see Section 5).

There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates' decisions and have used various forms of pressure on magistrates, including the threat to transfer them to other assignments.

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to local governments, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently perform punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have been known to damage surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity.

On October 30, following the Supreme Court's decision to suspend the 14th Constitutional Amendment (which prohibits individual members of parliament from "defecting" to rival political parties after their election), Prime Minister Nawaz Sharif accused the Court and, in particular, the Chief Justice of encouraging political "horse trading" by removing the ban on changing political allegiances. The Chief Justice took the view that this constituted "contempt of court" and Nawaz Sharif and others have been on trial since then on this charge. The 14th Amendment remains suspended pending a Supreme Court decision on the constitutionality of provisions that may infringe on a parliamentarian's freedom of speech.

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning. In July tribal elders of Mohmand agency banished an individual from the agency and razed his dwellings for firing on a tribal lashkar (armed levy). In May a politico-religious organization called the Tanzeem Ittihad-I Ulema-I Qaba'il (Organization of the Union of the Ulema of the Tribes) (TIUQ), which is striving for the implementation of stricter Islamic law in the FATA, publicly flogged a man and a teenager for their alleged involvement in homosexual behavior--the first Islamic punishment that the TIUQ has carried out since it was banned in 1995. On December 2, a couple was publicly executed in the Khyber tribal agency after a court set up by the TIUQ found them guilty of incest. The court stated that a mother-in-law cannot marry her son-in-law even if she is divorced. The family of the convicted couple carried out the sentence by shooting them to death. Since the revival of the group during the year it also has carried out other punishments, such as destroying the homes of alleged thieves.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this Code, a man, his family, and his tribe are obligated to take revenge for wrongs--either real or perceived--in order to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence. For example, in June several jewelers from Peshawar who were suspected of kidnaping tribeswomen from the Khyber agency and setting them up in a prostitution racket were killed by the women's relatives.

Most politicians and bureaucrats who have been charged with corruption or other crimes are out on bail (in addition to murder, Benazir Bhutto's husband, Asif Zardari, has also been charged with corruption). The MQM contends that several thousand of its members are still in jail on politically-motivated charges which date from the 1992-96 period.

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

The new Anti-Terrorism Law allows police, or military personnel acting as police, to enter and search homes and offices without search warrants, and confiscate property or arms likely to be used in a terrorist act (which is defined very broadly). This provision has yet to be tested in the courts. Prior to this, by law the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. However, even before passage of the Anti-Terrorism Law, the police entered homes without a warrant and have been known to steal valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, policemen are seldom punished for illegal entry.

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities commonly resort to wiretapping and occasionally intercept and open mail. In his order dismissing former prime minister Bhutto in 1996, President Leghari accused the Government of massive illegal wiretapping, including eavesdropping on the telephone conversations of judges, political party leaders, and military and civilian officials. In the Supreme Court's judgment on the legality of Leghari's dismissal of the Bhutto government, which was issued in September, the Supreme Court directed the federal Government

to seek the Court's permission before carrying out any future wiretapping or eavesdropping operations. Nonetheless, in December a lawyer for a former director of the Intelligence Bureau, charged with illegal wiretapping during Benazir Bhutto's second term in office, presented the Supreme Court with a list of 12 Government agencies which are still tapping and monitoring telephone calls of citizens. The case is still pending in the Supreme Court.

Police sometimes arrest and detain relatives of wanted criminals in an attempt to compel suspects to surrender. In some cases, the authorities have detained whole families to force a relative who was the subject of an arrest warrant to surrender (see Section 1.d.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Section 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of who allegedly tolerated nearby criminal activity (see Sections 1.d. and 1.e.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and citizens are broadly free to discuss public issues. However, journalists practice a degree of self-censorship, conforming to prevailing journalistic practice and local mores. True investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing class, political and social interests.

The Constitution also stipulates the death penalty for anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution. However, prosecutions under this provision have been rare. The Constitution also prohibits the ridicule of Islam, the armed forces, or the judiciary. This provision served as grounds in late December for legal charges against the candidacy of Rafiq Tarar, the current President, based on press statements made several years ago that were critical of the judiciary.

The competitive nature of politics helps to ensure press freedom, since the media often serve as a forum for political parties, commercial, religious, and various other interests, as well as influential individuals, to compete with and criticize each other publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from the public scrutiny and criticism routinely experienced by their secular counterparts. The press has traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint.

Officially, the ISPR closely controls and coordinates release of military news and access to military sources. Leaks, while not uncommon, are carefully managed: it is common knowledge that journalists, routinely underpaid, are on the unofficial payrolls of many competing interests, and the military (or elements within it) is

presumed to be no exception. Rumors of intimidation, heavy-handed surveillance, and even legal action to quiet the unduly curious or nondeferential reporter are common.

During the year this pattern of control and restraint loosened somewhat: early in the year--after an election in which corruption in high places was the principal issue--the press published charges of corruption and misuse of office against senior navy and air force officers and the navy chief was forced to resign. In the summer, the deaths of several air force cadets while undergoing training prompted newspaper reports of brutal training officers and procedures, and those found responsible were held to public account.

In a case followed closely by the press and human rights groups, journalist Humayun Fur, bureau chief of the Urdu daily Mashriq, was arrested by intelligence agency operatives on June 28 and imprisoned on charges of "anti-State activities." Fur was found guilty by a military court in September and sentenced to 5 years' imprisonment. A handout issued by the Defense Ministry stated that the court convicted Fur of espionage for passing sensitive state secrets to personnel from a "foreign diplomatic mission" in Islamabad (two Indian High Commission staff members were expelled in connection with the case in September). Human rights groups expressed concern that Fur was tried by a military court and urged that he be retried in an open court under civil law. The press reported that Fur was only the second journalist in the country's history to be tried by court martial. Fur was released in October after the chief of army staff remitted the unserved portion of his sentence on humanitarian grounds because of Fur's ill-health.

Detailed public discussion of the military as an institution is severely hampered since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, late in the year this code of silence was undermined when a National Assembly committee, by discussing defense appropriations and corruption in defense contracts in an open session, made possible (and legal) newspaper coverage of the same issues.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs (i.e., any religion, not just Islam) with intent to outrage religious feelings (see section 2.c.). The new Anti-Terrorist Act stipulates imprisonment with labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with intent to stir up sectarian hatred. No warrant is required to seize such material.

The State no longer publishes daily newspapers; the former Press Trust sold or liquidated its string of newspapers and magazines in the early 1990's. The Ministry of Information controls and manages the country's primary wire service--APP, the Associated Press of Pakistan. APP is both the Government's own news agency and the official carrier of international wire service stories to the local media. The few small, privately-owned wire services operating in Pakistan are usually circumspect in their coverage of sensitive domestic news and tend to follow a government line.

A Print, Press, and Publications Ordinance, requiring the registration of printing presses and newspapers, was allowed to lapse in 1997 after several years of waning

application. In practice, registering a new publication is a simple administrative act, and is not subject to political or governmental scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content.

Privately-owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when the group is extreme in its views, can include physical violence, the sacking of offices, intimidation or beating of journalists, and interference with the distribution of newspapers. For example, the Sindhi daily *Awami Awaz* has charged a Sindhi nationalist party with intercepting deliveries of its publication and two other Sindhi dailies in central Sindh province. Journalists working in small provincial towns and villages generally can expect more difficulties from arbitrary local authorities and influential individuals than their big-city counterparts.

In September journalists protesting against violence directed at the press were beaten by police in Karachi, according to newspaper accounts. The police maintained that the demonstration was illegal because it violated the ordinance prohibiting gatherings of five or more people.

Zafaryab Ahmad, a free-lance Lahore-based journalist, was arrested in 1995 and charged with sedition after he reported on child labor. He was accused of working with Indian intelligence to damage Pakistan's carpet industry exports through false reporting. His case is still pending in the courts. During the year, reporting and published debate on child labor became much more common in the print media.

The broadcast media are government monopolies. The Government owns and operates the bulk of radio and television stations through its two official broadcast bureaucracies, the Pakistan Broadcasting Corporation (PBC) and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these broadcast media is closely controlled by the Government and has traditionally reflected strongly the views of the party in power. One private radio station, one television broadcaster, and a semi-private cable television operation have been licensed under special contractual arrangements with the Government (and these are currently under investigation for possible corruption in the form of sweetheart deal-making.) None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. However, the private Shalimar Television Network (STN) fills the bulk of non-prime broadcasting hours with rebroadcasts of Cable News Network or British Broadcasting Corporation feeds. While STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. The Ministry of Information monitors advertising on all broadcast media, editing or removing those deemed morally objectionable. Satellite dishes are readily available on the local market and are priced within reach of almost everyone with a television set--well into the lower-middle classes. South Asian

satellite channels (usually India-based) have become very important sources of news and information, as well as popular entertainment.

Literary and creative works remain generally free of censorship. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are frequently broadcast on television.

The Government and universities generally respect academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-E-Tulaba (IJT--the student wing of the religious political party Jamaat-I-Islami) imposes its self-defined code of conduct on teachers and other students.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order." Although the Government generally permits peaceful assembly, it occasionally interferes with large rallies, which are held by all political parties.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four people when demonstrations seemed likely to result in violence. This provision was invoked frequently in May during the Islamic month of Muharram, when tensions between Sunni and Shi'a Muslims traditionally peak.

Christian activists charged that police overreacted in handling marches staged in Karachi in February by Christian groups protesting the attack on the village of Shantinagar (see Section 2.c.). They maintain that the marchers were peaceful, but that police attacked them with batons, resulting in scores of injuries. Over 700 people were arrested, all of whom were released within a few days except for two individuals charged with murder, who were released from custody a month later. In January, nurses demonstrating against a superintendent at a teaching hospital in Peshawar were allegedly beaten by plainclothes policemen. The nurses claimed that five of their colleagues were seriously wounded in the attack.

In September journalists protesting against violence directed at the press were beaten by police in Karachi, according to newspaper accounts. The police maintained that the demonstration was illegal because it violated the ordinance prohibiting gatherings of five or more people.

The Government did not usually interfere with large political rallies. However, the authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed that the presence of such leaders would increase sectarian tensions or cause public violence. In August the Government detained Jamat-I-Islami (JI) chief Qazi Hussain Ahmed to prevent an announced public rally of his party in Khyber tribal agency, where there is a government ban on political party rallies and activities. JI activists in Peshawar demonstrated to protest their chief's arrest and police wielding batons charged the rally, arresting 45 party workers.

The Constitution provides for freedom of association subject to restriction by government ordinance and law. There are no banned groups or parties.

c. Freedom of Religion

Pakistan is an Islamic republic in which 96 percent of the population are Muslims. The Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions take place in secret. Reprisals against suspected converts are common. For example, in July a young woman from Sheikhpura was murdered by her brother after allegedly undergoing a Christian baptism.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religion. In practice, many non-Muslim students are compelled by teachers to complete the Islamiyyat studies.

Minority religious groups fear that Shari'a and its goal of Islamizing the Government and society may further restrict the freedom to practice non-Islamic religions. Discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects such as Ahmadis and Zikris (see Section 5). However, Prime Minister Sharif has spoken out in support of the rights of religious minorities, and hosted a Christmas dinner for 1,200 persons.

On February 6 and 7, a mob looted and burned the Christian village of Shantinagar in Punjab. Local police participated in the attack and are suspected of having instigated the riot by inventing a spurious charge that a Christian man had desecrated a copy of the Koran. Approximately 20,000 persons were rendered homeless. The Central Government took immediate relief action, deploying troops briefly to restore order, and the Prime Minister visited the village. The Government has made serious efforts to rebuild damaged and destroyed homes, but has not provided compensation for personal property lost in the incident. The villagers remain fearful of further attacks, and the police officers believed to be responsible for the riot, though transferred and briefly suspended, have not faced criminal sanctions. Meanwhile, the 86 people who were charged with offenses related to the attack were all released on bail and there was no indication that authorities planned to bring them to trial.

A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe many Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting an Ahmadi from calling himself a Muslim and banning Ahmadis from using Islamic terminology. The punishment is up to 3 years' imprisonment and a fine. Since that time, the Government and some religious groups have used this provision to harass Ahmadis (see Section 5).

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 another amendment, 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammad." In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. Since 1996 magistrates are now required to investigate allegations of blasphemy to see whether they are credible before filing formal charges.

Three Ahmadis were convicted of blasphemy in December. Abdul Qadeer, Muhammad Shahbaz, and Ishfaq Ahmad were found guilty of violating Section 295(c) and sentenced to life imprisonment and a 50,000 rupee fines. Lawyers for the men are appealing their cases at both the High and Supreme Court levels; in the meantime, the men are serving their sentences in the Sheikhpura jail. Meanwhile, a number of persons are in jails awaiting trial on charges of violating them. Among the blasphemy cases opened through August was one brought against a Muslim religious scholar, Muhammad Yusuf Ali, who was charged under Section 295(c). He has been jailed in a class "C" cell since March. Due to threats, his wife had to resign her job as a professor and go into hiding with their children. In January five Christians were detained by police for 2 weeks because they supposedly signed a letter that blasphemed the Prophet Mohammed and threatened to blow up a mosque. The five, all poor and reportedly illiterate, were eventually found innocent and released. The cases of Christians Anwar Masih (jailed for the past 4 years) and Ayub Masih (detained since October 1996), both of whom are charged under Section 295(c), remain pending in the courts. Christian activists allege that on November 6, someone fired a shot at Ayub outside the court. The police allege that the sound of gunfire was caused by a firecracker and have closed the investigation of the incident. According to Ahmadi activists, during the year 32 Ahmadis were charged with violating the blasphemy laws and sections of the Pakistan Penal Code that were Ahmadi-specific. Ahmadi leaders state that of 156 Ahmadis awaiting trial on various charges related to their religious beliefs, as of December 151 were free on bail. Four of the five who were in prison as of December--Riaz Ahmed, Bashir Ahmed, Qamar Ahmed, and Mushtaq Ahmed--were released from prison after their application for bail was approved by the Supreme Court.

Ahmadis continue to suffer from a variety of problems, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, restrictions on their press, a social boycott, and alleged official support of extremist elements who act against the Ahmadi community

(see Section 5). Several Ahmadi mosques remained closed. In January extremist religious agitation forced the caretaker Government to back down from a decision to replace the term "non-Muslim" with "Ahmadi" under the category of religion on passports.

In the Punjab, a deadly pattern of Sunni-Shi'a violence has emerged in which terrorists murder people who are targeted because of their membership in rival sects. Attacks on places of worship occur frequently and have created a climate of fear among those who attend public prayer services (see Section 5).

When religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates, seeking to avoid a confrontation with the extremists, often continue trials indefinitely, and the accused is burdened with further legal costs and repeated court appearances. Prior to his murder in October, Lahore High Court justice Arif Iqbal Hussain Bhatti, one of the two judges who in 1995 ruled to acquit accused Christian blasphemers Salamat and Rehmat Masih, received several death threats from Islamic extremist groups. Bhatti's killer had not been arrested by year's end.

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

Most citizens enjoy freedom of movement within the country and to travel abroad. However, the authorities at times prevented political party leaders from traveling to certain areas of the country (see Section 2.b.). Travel to Israel is legally prohibited. Government employees must obtain "no objection certificates" before traveling abroad. Students are also required to have these certificates from their institutions, though this requirement is rarely enforced. Citizens regularly exercise the right to emigrate. However, an exit control list (ECL), which is constantly being revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. An estimated 3,000 to 4,000 individuals are on the ECL. No judicial action is required to add a name to the ECL, and there is no judicial recourse or formal appeal mechanism if one's name is added. However, in some cases courts have directed the Government to lift restrictions on some ECL-listed politicians' travel abroad.

While use of the ECL authority to harass political opponents has abated, opposition members charge that they are still singled out. PPP leader Benazir Bhutto was briefly detained at Karachi airport on her way to London in July. In August another PPP leader, Munir Ahmed Khan, was removed from a New York-bound flight at the Lahore airport. Khan claimed that the Government wanted to prevent him from traveling for fear that he was planning to arrange antigovernment demonstrations during the Prime Minister's travel abroad. After filing a petition at the Lahore High Court, justice Faqir Muhammad Khokhar ordered that the petitioner be allowed to leave the country after depositing a 500,000 rupee bond.

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border into Pakistan. There are still believed to be more than 1 million Afghan refugees in Pakistan who have been granted first asylum.

The Government has not legally granted permanent resettlement to Afghan refugees but allows them to live and work in Pakistan. Many are self-supporting and live outside of refugee camps, which has resulted in some hostility among local communities, whose residents believe that Afghans take job opportunities from them.

According to the UNHCR, there were no reports of forced return of persons to a country where they feared persecution. The Government is cooperating with the UNHCR in an effort to encourage repatriation of Afghans to rural areas of Afghanistan considered to be safe. Surveys have been conducted in the camps and over 15,000 families have registered for repatriation. Since January 85,000 persons have returned to Afghanistan. Since 1988, over 2.5 million Afghans have been repatriated.

Afghan refugees have limited access to legal protection and depend on the ability of the UNHCR and leaders of their groups to resolve disputes among themselves and with elements of Pakistani society. Police also frequently prevent Afghan nationals from entering the cities. Most able-bodied male refugees have found at least intermittent employment but are not covered by labor laws. Women and girls obtained increasingly better education and health care than is available in Afghanistan, as NGO's provided increased services. However, Afghan women working for NGO's have occasionally been targets for harassment and violence by conservative elements in the camps.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu-speaking people from the Indian state of Bihar who went to East Pakistan--now Bangladesh--at the time of partition in 1947. When Bangladesh became independent from Pakistan in 1971, the Biharis indicated a preference for resettlement in Pakistan. Since that time, approximately 250,000 Biharis have been in refugee camps in Bangladesh. While the Mohajir community--descendants of Muslims who emigrated to present-day Pakistan from India during partition--supports resettlement, the Sindhi community opposes the move. In 1993 the Government flew 342 Biharis to Pakistan and placed them in temporary housing in central Punjab. No further resettlement has occurred.

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

Citizens have the right and the ability to change their government peacefully. With certain exceptions, citizens 21 years of age and over have the right to vote. However, several million bonded laborers and nomads may not vote because the national election commission has ruled that they do not "ordinarily reside in an electoral area, nor do they own or possess a dwelling or immovable property in that area." Political parties have been allowed to operate freely since the full lifting of martial law in 1988. Unregistered political parties are permitted to participate in elections. members of the national and provincial assemblies are directly elected. The Constitution requires that the President and Prime Minister be Muslims.

Under the electoral system, minorities vote for reserved at-large seats, not for non-minority candidates who represent actual constituencies. Because of this, local parliamentary representatives have little incentive to promote their minority constituents' interests. In the National Assembly (NA), Christians hold four reserved seats, Hindus and members of scheduled castes another four, Ahmadis one, Sikhs,

Buddhists, Parsis, and other non-Muslims one. Each of the four categories is maintained on a separate electoral roll, and minorities cannot cast votes for the Muslim constituency seats. Also, under article 106 of the Constitution, seats in the provincial assemblies are reserved for minorities. Population estimates are out-of-date because there has not been a census since 1981, but the election commission of the 1997 general election report states that each Christian NA member represents 327,606 people; each Hindu and scheduled castes NA member, 319,029; the Sikh, Buddhist, Parsi and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understate the population of most of the minority groups.

National elections for national and provincial assemblies were held on February 3. Election observers, including teams from the Human Rights Commission of Pakistan (HRCP), and groups representing the European Union, the Commonwealth of Nations, and the South Asian Association for Regional Cooperation, concluded that the elections were generally "free and fair" with no evidence of systemic or widespread abuse of the electoral process.

Elections for local government bodies have not been held since 1993, when these bodies were dissolved by the caretaker government because of charges of corruption. The Government intends to hold elections for local government bodies subsequent to a national census, which is scheduled to take place in March 1998. Meanwhile, appointed bureaucrats continue to administer local government.

Due to a December 1996 decision by President Leghari and the caretaker government, the February 3 elections for the eight national assembly members from the FATA were for the first time conducted on the basis of universal adult franchise. Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central Government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party and political party rallies were not allowed in this first universal franchise election in the tribal areas. However, several political parties did covertly campaign for their candidates. Tribal people, including large numbers of women in some of the tribal agencies, registered to vote, despite campaigns by some tribes against female participation in the elections. However, on election day, far fewer registered women in proportion to registered men actually voted, as tribal traditions against public roles for women reasserted themselves.

Because of a longstanding territorial dispute with India, the political status of the northern areas--Hunza, Gilgit, and Baltistan--is not resolved. As a result, more than 1 million inhabitants of the northern areas are not covered under any constitution and have no representation in the federal legislature. The area is administered by an appointed civil servant. While there is an elected Northern Areas Council, this body serves in an advisory capacity to the federal Government and has no authority to change laws or raise and spend revenue.

Although women participate in government, they are underrepresented in political life at all levels. Six women hold seats in the 217-member National Assembly, up from 4 seats in the previous parliament. Thirty-five women, more than ever before, contested seats in the February national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all

elected bodies for women. While women participate in large numbers in elections, some women are dissuaded from voting in elections by family, religious, and social customs in rural areas. According to the Parliamentary Commission, women in some tribal areas were intimidated into not voting during the February elections. Announcements were made on mosque loudspeakers that voting by women was un-Islamic and women going to polling stations risked having their houses burned down. As a result no more than 37 women out of 6,600 registered to vote actually cast ballots in Jamrud, in the Khyber Agency. A national census has not been held since 1981, despite the requirement that one be conducted every 10 years. A census has been repeatedly postponed due to pressure from ethnic groups and provincial rivalries. Everyone agrees that the country's population has grown considerably in the past 17 years, and that millions of people have moved from the countryside into the cities. The new census figures would presumably reflect these shifts and serve as the basis for determining political representation and also for allocating funds to the various provinces from the federal treasury. Thus, those favored by the status quo have resisted holding a new census.

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

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups are generally free to operate without government restriction. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious activists.

International human rights organizations have been permitted to visit Pakistan and travel freely.

The Ministry of Human Rights, established in November 1995, is now a cell within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. The cell is staffed by roughly 100 employees, most of whom are based at the cell's headquarters in Islamabad. To date, the cell has set up a "women in distress" fund and put together a jail reform package, in addition to dealing with individual human rights cases, particularly those involving rape and bonded labor. Because of limited budget and staff, the cell operates primarily on a case-by-case basis. It is not viewed as very effective by human right observers.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth. In practice, however, there is significant discrimination based on these factors.

Women

Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 80 to 90 percent of women are victims of domestic violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in Pakistan, and it called for legislation clearly stating that domestic violence against

women is a criminal offense. While abusive spouses may be charged with assault, cases are rarely filed. Police usually return battered wives to their abusive husbands. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their husbands and male relatives. Relatives are also reluctant to report cases of abuse in order to protect the reputation of the family.

In 1997 there were hundreds of incidents involving violence against women reported in the press. For example, almost 300 cases of wife-beating were reported as of September in Islamabad and Rawalpindi alone, and human rights groups say that these figures are derived primarily from cases reported by middle- and upper-class women. The press continued to draw attention to murders of married women by relatives over dowry or other family-related disputes. Most of the victims are burned to death, allegedly in kitchen stove accidents. A study of 145 "stove deaths" covering the period from January to July found that almost all the fires were deliberately set. According to the Commission of Inquiry for Women, newspapers from Lahore reported an average of 15 cases a month during a 6-month period in 1997; most of the victims were young married women. The Commission noted that many cases are not reported by hospitals and, even when they are, the police are reluctant to investigate or file charges. Human rights monitors agree that most "stove deaths" are in fact murders based upon a suspicion of illicit sexual relationship or on dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal murder, and rape has helped to raise awareness about violence against women. Several daily newspapers in Islamabad and Rawalpindi ran frontpage stories on September 27 on the case of a woman from a village near the town of Gujar Khan who was mutilated by her husband because he suspected her of adultery. Nusrat Perveen told the press that her husband was actually enraged over the fact that she complained to her mother-in-law over his mistreatment of her, and that he cut off her nose and hair in retaliation. The victim stated that her relatives refused to help her after the incident, and local police pressured her into signing a statement absolving her husband of the crime.

A crisis center for women in distress was opened in late October in Islamabad. The center, the first of its kind in Pakistan, is an initiative of the Ministry of Women's Development with the assistance of local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hotline for women in distress. The center was opened before funding had been allocated and staff hired. For its first 2 1/2 months of business the center relied on volunteer staff and received only 15 walk-in cases. A second shelter was opened in late in the year in Vehari, a town in southern Punjab.

Rape is a widespread problem. In April the National Assembly in April passed a law providing for the death penalty for persons convicted of gang rape. The first conviction under this new law took place in July in Mardan, where two defendants were sentenced to death. Nevertheless, it is estimated that less than one-third of all rapes are reported to the police. The police themselves are frequently charged with raping women. In July, a woman in Rawalpindi was alleged raped by three policemen, while her companion was beaten and robbed (see Section 1.c.). According to a police official, in a majority of rape cases the victims are pressured to drop rape charges because of the threat of Hudood adultery charges being brought against them. All consensual extramarital sexual relations are considered violations of the Hudood ordinances. However, according to an HRCP lawyer, the Government

has brought fewer charges against women under the Hudood ordinances than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. In Hudood cases, a female or non-Muslim witness is not accepted. This means that if a man rapes a woman in the presence of several women, he cannot be convicted under the Hudood ordinances because female witnesses are not accepted. Similarly, if a Muslim man rapes a Christian woman in the presence of several Christian men and women, he cannot be convicted under Hudood ordinances because non-Muslim witnesses are not accepted.

The Parliamentary Commission of Inquiry for Women criticized the Hudood ordinances and recommended that they be repealed. The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, by that time, the Commission pointed out, the woman may have spent months in jail, suffering sexual abuse at the hands of the police and the destruction of her reputation. The Commission found that the main victims of the Hudood laws are poor women who are unable to defend themselves against slanderous charges. The laws have also been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission.

Marital rape is not a crime. The 1979 Hudood ordinances abolished punishment for raping one's wife. The Commission of Inquiry for Women has, however, recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before the marriage is consummated ("rukhsati"). The "nikah" (non-consummated) marriage is regarded as a formal marital relationship. In one 1996 case, a 13-year-old girl, whose nikah had been performed but rukhsati had not taken place, decided to divorce her husband. The husband kidnaped the girl, raped her, and then released her. The police refused to register a rape case arguing that they were a married couple.

There are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested are often acquitted on the grounds that they were "provoked," or for a lack of witnesses. Scores of men and women from Balochistan and rural areas of Sindh and Punjab provinces are killed annually for alleged illicit sexual relations in so-called "honor" killings. While the tradition of such killing applies equally to offending men and women, women are more likely to be killed than men. In one incident in March, seven people, including five policemen, were killed near Larkana in Sindh. A reporter who covered the story said that the trouble stemmed from prolonged enmity between two factions of a clan over an "honor" murder. The Commission of Inquiry for Women rejected the whole concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder.

The Commission also drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. Most of the women in question are brought in from Bangladesh, usually under the false pretense of working in legitimate jobs in Pakistan. It is mostly a problem in Sindh province and includes Bangladeshi, Burmese, Sri Lankan, Indian, and Afghani women.

There are significant barriers to the advancement of women, beginning at birth. In general, female children are less valued and cared for than male children. According to a United Nations study, girls receive less nourishment, health care, and education than boys. According to a 1996 report by the Islamabad-based Human Development Center, only 16 women are economically active for every 100 men. Some progress has been made over the past several years in getting more females into school. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent. Similarly, the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males.

Discrimination against women is particularly acute in rural areas. In some areas of rural Sindh and Balochistan, female literacy rates are 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the primary reason they tended to send their sons rather than their daughters to school. Similarly, a study by the NWFP Directorate of Primary Education discovered that most girls in rural areas do not go to school because they have to look after the household while their mothers help their fathers in the fields.

Human rights monitors and women's groups believe that Shari'a has had a harmful effect on the rights of women and minorities, reinforcing popular attitudes and perceptions, and contributing to an atmosphere in which discriminatory treatment of women and non-Muslims is more readily accepted.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of them, and often the laws are not observed. The Parliamentary Commission of Inquiry for Women recommended that marriage registration (nikahnama) be made mandatory and that women, as well as men, have the right to initiate divorce proceedings. It also called for the punishment of those who coerce women or girls into forced marriages. There is no concept of alimony. A husband is legally bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or, if they are females, 16 years old. However, the legal system is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive--or are pressed to surrender--their due share of the inheritance. In rural areas, the practice of a woman "marrying the Koran" is still widely accepted if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males over 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still takes place in parts of NWFP and the Punjab.

In a case that was followed closely both in Pakistan and abroad, a special three-member bench of the Lahore High Court on March 10 upheld the Federal Shari'a Court's ruling that a Muslim woman can marry without the consent of her wali (guardian), which in turn takes away the wali's right to grant such consent on behalf of the woman without her approval. This decision in the so-called "Saima" case overruled a 1996 decision by a Lahore High Court judge that a woman's marriage without the consent of her parents or guardian was invalid.

There are limits on the admissibility and value of women's testimony in court (see Section 1.e.).

Although a small number of women study and teach in universities, postgraduate employment opportunities remain largely limited to teaching, medical services, and the law. Nevertheless, an increasing number of women are entering the commercial and public sectors.

According to the Ministry of Health, the Government through 1996 had trained and deployed around 37,000 female rural health workers. The Government has scrapped its previous goal of having 100,000 female health workers by 1998 because it says it wants to improve the quality of those it has selected.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

Children

There is no federal law on compulsory education, and neither the federal or provincial governments provide sufficient resources to assure universal education. Pakistan's education system is in disarray, with studies showing that only 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. Even those children who make it to the fifth grade are not assured of being able to read and write. According to UNICEF figures, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education, and inefficient and corrupt federal and provincial bureaucracies. One member of the Prime Minister's education task force estimated that up to 50 percent of the education budget is "pilfered."

Government provision of health care for children is somewhat better--especially with the program to deploy rural health workers--but health care services in most areas remain seriously inadequate. Many children begin working at a very early age (see Section 6.d.). At the age of 5 or 6, female children are often responsible for younger siblings.

Children are sometimes kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). In rural areas, it is a traditional practice for poor parents to give their children to rich landlords in exchange for money or land, according to human rights advocates. These children are frequently abused by their owners. Incidents of rape and murder of minor teenage children are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been sexually abused. Child prostitution involving boys and girls is widely known to exist but is rarely discussed. The NGO Shabab-I-Milli launched a campaign to combat child prostitution by raising public awareness about the problem. The Commission of Inquiry for Women observed that child sexual abuse is a subject that "has been virtually ignored in Pakistan," and called for a public

education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

Legal rights for children are theoretically protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. There are two facilities--one in Karachi and one in Multan--that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults are essentially treated equally. Human rights advocates estimate that roughly 3,500 minors, ages 9 to 21 years, are imprisoned in jails throughout the country.

According to press reports, there are several madrassahs (religious schools) where children are illegally confined and kept in unhealthy conditions. One investigative report, in an English-language daily, detailed the death of a 9-year-old boy who was killed on September 23 while escaping from a madrassah near the Punjabi city of Multan. The boy reportedly was kept in chains at the madrassah and, while attempting to cut the chains on a railroad track, was struck and killed by a train. The Human Rights Commission of Pakistan filed an appeal with a local court for an investigation of the incident, as well as a cancellation of the madrassah's registration. As of December, the courts had not acted on the case.

People With Disabilities

There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of mentally ill and mentally retarded individuals are taken care of by their families. There is a legal provision requiring organizations to reserve at least 1 percent of their work forces for qualified disabled persons. Organizations that do not wish to hire disabled persons can instead give a certain amount of money to the Government treasury, which goes into a fund for the disabled.

Religious Minorities

Government authorities afford religious minorities less legal protection than is afforded to Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge those who commit them.

Ahmadis are often targets of religious intolerance, much of it instigated by local religious leaders. For example, the chief mullah of the central mosque of Pattoki distributed a handbill in which he declared that all Ahmadis, as apostates, should be killed under Shari'a, but that, regrettably, the law had not been applied. Ahmadi leaders charge that militant Sunni mullahs and their followers stage frequent marches through the streets of the Ahmadi capital of Rabwah in central Punjab. Backed by mobs of 100 to 200 people, the mullahs purportedly stride down the streets uttering diatribes against Ahmadis and their founder, a situation that often leads to violence. Police are generally on hand during these marches, the Ahmadis claim, but as a rule do not intervene to prevent trouble. A number of Ahmadis were seriously injured in attacks by religious extremists, and Ahmadi leaders attribute three murders of their group during the year to anti-Ahmadi zealots. All three of the victims had received numerous threatening letters prior to their murders.

Ahmadis suffer from harassment (see Section 2.c.) and discrimination and have limited chances for advancement into management levels in government service. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to the schools by the Government is poor. Young Ahmadis and their parents also complain of difficulty in gaining admittance to good colleges, forcing many children to go abroad for higher education. Certain sections of the Penal Code have also caused problems for the group (see Section 2.c.), particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using the standard Muslim greeting form and naming their children Mohammad.

Other religious minority groups also experience considerable discrimination in employment and education. In Pakistan's early years, minorities were able to rise to the senior ranks of the military and civil service. Today, many are unable to rise above mid-level ranks. Discrimination in employment is believed to be common. Christians in particular have difficulty finding jobs other than those of menial labor, although Christian activists say that the employment situation has improved somewhat in the private sector. Christians find themselves disproportionately overrepresented in Pakistan's most oppressed social group--that of bonded laborers. Like Ahmadis, many Christians complain about the difficulty that their children have in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. Reprisals against suspected converts to Christianity are common, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (see Section 2.c.). There are also restrictions on testimony in court by non-Muslims (see Section 1.e.).

During the year, large-scale sectarian violence in the Punjab between Shi'a and Sunni extremist groups claimed the lives of 195 people, including professionals, bureaucrats, and religious scholars who were specifically targeted. Indiscriminate shootings at mosques led to fear of general religious unrest. However, the public at large generally supported government actions to stem terrorism. Press reports state that over 220 people were killed nationwide in sectarian violence during the year.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Ordinance of 1969 (IRO) provides for the right of industrial workers to form trade unions but is subject to major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESA) covers sectors associated with the state administration, i.e., government services and state enterprises, such as oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. The ESA also exempts export promotion zones (EPZ's) from the IRO's provision granting workers the right to form trade unions.

Union members make up only about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers willing to work on temporary contracts. These workers receive fewer benefits and have no job security. There is no provision in the law granting the right of association to agricultural workers.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government may also ban a strike that has continued for 30 days.

Strikes are rare. When they occur, they are usually illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes.

Unions may belong to federations, and there are seven major federations. The Government permits trade unions all across the political spectrum. While many unions remain aloof from party politics, the most powerful are those associated with political parties. After the PPP came to power in 1988, it successfully organized trade unions under the banner of the Peoples' Labor Bureau (PLB). The PLB's main competitors are the Jamaat-I-Islami's National Labor Federation and the MQM-backed labor unions.

In May the Cabinet passed an amendment to the IRO which states that: 1) only employees of the represented industry can hold office in a trade union; and, 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bargaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. On November 21, the Prime Minister announced the Government's new investment policy, in which, in order to improve working relations among employees and employers, trade union activity will be industry-based and not factory-based. The new policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum will be automatically dissolved and their registrations canceled.

The International Labor Organization (ILO) has repeatedly stated that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity in respect to teachers, radio, television, railway, forestry, hospital, and other government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the world body's conventions.

In 1994 a government task force on labor prepared a report recommending improvements on worker rights problems, which were the basis for the development of a new labor policy by the Government. At present, the Government has not yet approved the new labor policy. However, the Government has implemented two components of the proposed labor policy: 1) improvements in the workers' welfare fund; and, 2) increases in social security benefits for workers. On August 20, the Prime Minister and trade union representatives agreed to establish a committee to examine the labor laws and draft legislation to bring them in conformity with ILO conventions and the national constitution.

Federations are free to affiliate with international federations and confederations. For example, trade unions belong to the International Confederation of Free Trade Unions (ICFTU) and to secretariats affiliated to the ICFTU.

b. The Right to Organize and Bargain Collectively

The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. If found guilty of antiunion discrimination, employers are required to reinstate workers fired for union activities.

In general, legally constituted unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force, e.g., agricultural workers, who are not provided with the right to strike, bargain collectively, or make demands on employers.

The ESA also restricts collective bargaining. For each industry subject to the ESA, the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

These boards are established at the provincial level and comprise representatives from industry, labor, and the provincial labor ministry, which provides the chairman. The chairman may name additional industry and labor representatives to the board. Despite the presence of the labor representatives, unions are generally dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit may also be curtailed under the ESA. Dismissed workers have no recourse to the labor courts.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced labor. However, critics argue that the ESA's limitation on some worker rights constitutes a form of compulsory labor. The Government informed the ILO's Committee on the Application of Standards in 1990 that amendments were under consideration to rectify the problem. However, the Government has taken no further action.

Illegal bonded labor is widespread. Bonded labor is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. There is no evidence that bonded labor is used in the production for export of

sporting goods and surgical equipment. However, bonded labor is reportedly used in the production of carpets for export. Conservative estimates put the number of bonded workers at several million.

According to press reports, in the remote areas of rural Sindh, reports of bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and families have been sold by one landlord to another. According to press reports, raids by government officials and human rights activists over a 2-year period from January 1995 to January 1997 resulted in the liberation of 349 bonded laborers.

The Bonded Labor System (Abolition) Act adopted in 1992, outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Hence, the law is largely ineffective. Lacking employment alternatives, many workers have voluntarily returned to bonded labor.

Children are sometimes kidnaped to be used as forced labor. According to ILO estimates from October 1996, 3.3 million children between the ages of 5 and 14 years (about 8 percent of the reference population) are "economically active." Of these, about two thirds work in agriculture alone. Seventy percent of the working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Constitution prohibits slavery, forced labor, the trafficking in human beings, and employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991 prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night.

In October 1996, the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO/IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 years work. The child labor force is predominately male (73 percent) and predominately rural (71 percent). About 60 percent of child labor is in Punjab. Some 45.8 percent of child laborers work 35 hours or more per week and 12.6 percent work 56 hours or more. The majority (67 percent) of children work in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector; 9 percent in wholesale/retail; and 8 percent in social/personal services. In occupational terms, craft and related trade work account for about 19 percent of child laborers, while 71 percent work in unskilled jobs. Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the true dimensions of the problem.

Child labor is widely employed in the carpet industry, much of which is family-run. Children are also employed in other export industries. However, some export sectors have taken active measures to eliminate or phase out child labor. Human rights activists acknowledge that surgical equipment manufacturers have removed children from their factories; however, child labor in this industry may still occur at home. In February soccer ball manufacturers, importers, the ILO, and UNICEF agreed upon an action plan (the Atlanta Agreement) to eliminate child labor from the soccer ball industry within 18 months. This project, based in Sialkot, addresses monitoring of the production and assembly of soccer balls, education of child laborers, rehabilitation and income generation. Under the Atlanta Agreement, soccer ball manufacturers claimed to have eliminated 40 percent of their child labor before the August implementation date of the agreement. However, such claims are not verifiable.

Under the memorandum of understanding with the Government, the ILO/IPEC program in Pakistan is involved with a number of other projects concerning child labor. There is an ILO country program in which the ILO works with the Government, employers, workers, and NGO's to develop a national policy and plan of action for child labor. The Government is establishing a pilot program of 18 rehabilitation centers for former child laborers through the Pakistan Bait-U-Mal, the Government's social welfare fund. Each center educates 60 to 100 children. The ILO is creating a similar program in conjunction with the European Union.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. According to the Ministry of Labor, during the period from January 1995 to April 1997, 16,571 inspections of businesses suspected of violating the Employment of Children Act of 1991 were carried out. These resulted in 6,325 prosecutions and 1,409 convictions. Fines ranged from an average of \$7 in the NWFP to an average of \$140 in Balochistan. However, these fines are not large enough to be a significant deterrent.

The Child Care Foundation (CCF) of Pakistan, a national NGO, was established in October 1996 with the support of the Government through the Ministry of Commerce. The CCF board is currently in the process of developing a child labor monitoring system.

e. Acceptable Conditions of Work

Labor regulations are governed by federal statutes applicable throughout the country. The minimum wage is approximately \$47 (1,650 rupees) per month. Although this wage provides a meager subsistence living for a small family, the minimum wage applies to only a small part of the work force, and most families are large.

The law, applicable nationally, provides for a maximum workweek of 54 hours, rest periods during the workday, and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and to the small contract groups, which are subdivisions within factories of 10 or fewer workers. Many workers are unaware of the regulations protecting their rights because of their lack of education.

The provinces have been ineffective in enforcing labor regulations, because of limited resources, corruption, and inadequate regulatory structures. In general, health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and weakly enforces existing legal protection. Workers cannot remove themselves from dangerous work conditions without risking loss of employment.