

PAKISTAN

Pakistan Country Report on Human Rights Practices for 1998

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Pakistan is an Islamic republic with a democratic political system. The Prime Minister, selected by a majority within a popularly elected Parliament, has wide constitutional power. The Pakistan Muslim League (PML) Government of Prime Minister Mian Nawaz Sharif, which came to power in February 1997 with a massive Parliamentary majority, passed constitutional amendments (the 13th and 14th) which removed the power of the President to dismiss the Government at his discretion and banned defections from political parties, two of the most frequently used methods of bringing down previous governments. These measures, which enjoyed opposition support, were aimed at enhancing political stability at the national level. As a result, the 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 a 1997 constitutional confrontation between the Prime Minister and the Chief Justice of the Supreme Court over the selection of five new justices for the Court. As a result of this struggle, the former President resigned in December 1997, and the Prime Minister's candidate was elected by the Parliament to the presidency. That same month, a Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers feared 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. Nonetheless, the Supreme Court demonstrated a continued degree of independence on a number of occasions.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, 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 regular army also occasionally is 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 \$490. The overall illiteracy rate is 62 percent, and is even higher for women. Cotton, textiles and apparel, rice, and leather products are the principal exports. 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 made several economic reforms, including privatizing state-owned enterprises and reducing tariffs. Politically driven confrontations with Independent Power Projects (IPPS) and the Government's inability to repay investors in hard currency have damaged investor confidence and hampered privatization.

The Government's human rights record remained poor, with serious problems in several areas. Despite attempts to reform and to professionalize the police, police committed numerous extrajudicial killings and tortured, abused, and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, there is no evidence that any police officers were brought to justice. In general, police continued to commit serious abuses with impunity. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. In Karachi killings between rival political factions often were carried out with the assistance of criminal gangs. However, many such killings also were believed to have been committed by or with the participation of security forces. The Government has used the "accountability" process--which supposedly was designed to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions--for political purposes by harassing and 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. Despite concerns about damage to the judiciary due to the December 1997 confrontation between the Prime Minister and the Chief Justice of the Supreme Court, there were several instances in which the Supreme Court showed a continued degree of independence, striking down draconian laws favored by the Government, including limits on freedom of speech, elements of a controversial antiterrorist law, and some restrictions on fundamental liberties imposed by the state of emergency declared in the wake of Pakistan's nuclear tests in May. The Lahore High Court and the Supreme Court struck down key provisions of the 1997 Anti-Terrorist Act, virtually halting the operation of special antiterrorist courts. Human rights leaders and others had criticized the controversial law, charging that it violated the Constitution by setting up a parallel judicial system charged with deciding cases in a truncated time period (7 days) and by granting the police extraordinary powers that threatened individual liberties. On November 20, the Prime Minister announced the establishment of military courts in Karachi. These courts are authorized to try terrorists swiftly, and those convicted may appeal only to a higher military court. In October the National Assembly voted for a 15th constitutional amendment, which would oblige the Government to enforce the Shari'a (Islamic law). However, by year's end, the measure had not yet been voted on in the Senate, where the Government lacks the two-thirds majority needed to amend the Constitution. The Government infringed on citizens' privacy rights. Although the press largely publishes freely, the Government uses its large advertising budget to influence content, journalists practice self-censorship, and the broadcast media remain a closely controlled government monopoly. The Government's actions against the Jang newspaper group because of an editorial stance critical of the Government were particularly egregious. The Government imposes limits on freedom of assembly, movement, and--for the Ahmadis in particular--of religion.

On October 30, Prime Minister Nawaz Sharif invoked article 232 of the Constitution to suspend the Sindh Assembly and to impose Governor's Rule in the province in response to growing law and order problems, including politically motivated violence, which by year's end had led to the killings of more than 1,000 persons. Political groups, including rival Sunni and Shi'a sectarian extremists, various factions of the Muttheda Quami Movement (MQM), and MQM opponents, were responsible for killings, while religious extremists continued to discriminate against and persecute religious minorities, particularly Ahmadis and Christians, justifying their activities in part on legislation that discriminates against non-Muslims. Despite government

imposed procedural changes that made the registration of blasphemy charges more difficult, at least two more Christians were charged with blasphemy and remain in prison in Punjab. A Shi'a Muslim and a Christian both were convicted of blasphemy and sentenced to death, although to date such sentences have never been carried out. A Roman Catholic Bishop committed suicide, apparently to protest the Christian's sentencing. The suicide was followed by communal disturbances in Punjab. Another Christian was convicted of blasphemy on a lesser charge and released for time served (4, years). Three Ahmadis sentenced in 1997 to life in prison for blasphemy remained incarcerated. 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. Significant numbers of women 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. Debt slavery persists. 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. Mob violence and terrorist attacks remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which police shoot and kill the suspects, is common. In Punjab a police crackdown on notorious criminals resulted in scores of extrajudicial killings, especially in staged encounters around Lahore. Public criticism of these killings was muted, since crime dropped noticeably. In contrast to previous years, the police exhibited greater selectivity in choosing their victims, focusing on those widely believed to be violent criminals. During the year, 143 persons were killed in 72 encounters. Suspected criminals were killed 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 and threats against the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. Police professionalism is low. The police view the killings of criminal suspects as appropriate in light of the lack of effective 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 occasionally are transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these killings so far have failed to result in any police officer receiving criminal punishment. In general, police continued to commit such killings with impunity.

On July 18, four criminal suspects were apprehended in Karachi and brought to Lahore by authorities. Newspapers heralded the arrest as "the bust of the year," and photographed their arrival at Lahore airport. However, despite this public evidence

police later claimed that the suspects were killed in a July 19 encounter in Lahore "after an exchange of gunfire." On July 21, the Lahore police killed Abdus Salam; he was blindfolded and his hands were tied when he was shot. The police claimed that he was being transported to a witness identification lineup when three motorcyclists shot him. No police officers were injured in this alleged "attack." Local eyewitnesses reported that the police removed Abdus from their vehicle, shot him, and then fired shots into the air. In one of many other examples, three alleged robbers were killed in a claimed shootout outside Lahore on August 3. However, sources told the press that police arrested two of the robbers in late July.

In some instances, action was taken against police suspected of abuse. Awais Akram, a bank teller, was tortured severely and pushed from the roof of Civil Lines police station in Lahore on March 15. Two senior police officers were suspended and charged with responsibility for his murder. According to human rights advocates, the two police officers have not been reinstated to their positions and the case is currently before the Lahore High Court. Three police officers were charged with the May 11 killing of Arbab Yousah, age 18, the son of a Pakistan People's Party (PPP)-supported candidate in Punjab's local government elections. Arbab was arrested on May 4 on robbery charges brought by the local ruling Pakistan Muslim League (PML) candidate. Police claim that Arbab died of natural causes. On May 12, police in the Northwest Frontier Province (NWFP) arrested Ghulam Jillani, a 14-year-old boy, in Manshera. Jillani was arrested on theft charges, and subsequently was sexually abused and tortured to death by the local police. The police initially tried to portray the death as a suicide. In response, angry protestors set fire to police offices and residences. The NWFP Chief Minister fired the entire staff of the police station where the incident occurred, and arrested those involved on a murder charge. The Chief Minister also formed a judicial tribunal to investigate the incident. According to press reports, in late July two men died while in police custody in Lahore. The two were believed by police to have been responsible for robbing a bank, the first such crime in Lahore in months. Police claimed to have killed the suspects in a shoot-out. However, medical examiners told the press that they believed that the suspects were tortured, since their bodies had broken limbs and numerous wounds consistent with severe electric shock. The bodies also exhibited signs of at least 24 hours of decay, although the police claimed to have shot the suspects a just few hours earlier. Three other police officers were charged with the August 8 murder of Abbas at Gogera, Punjab. Abbas' body was dumped into a canal and recovered 3 days later 60 miles downstream. The leading police official of the district organized the search and recovery of the body and publicly stated that his constables were responsible and should be prosecuted. The accused were granted prearrest bail by the local judge.

Politically motivated violence remained a problem in Karachi, despite the presence within the ruling coalition in Sindh province for much of the year of the Muttehida Qaumi Movement (MQM), which previously had been a cause of much of the violence. The MQM was formed by Altaf Hussein in 1984 as a student movement to further the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. It soon became an organization with criminal elements, which generated income through extortion and other forms of racketeering. Despite this, the MQM-Altaf, in part because of its efficient organization and willingness to use violence and intimidation to achieve its goals, became the dominant political party in the Sindh urban centers of Karachi and Hyderabad. The MQM, despite a number of moderate and nonviolent leaders now in the Senate, National Assembly and Sindh Provincial Assembly, has not been able to separate itself from its violent past. As a result, it has antagonized followers,

suffered violent breakaways, and continually has been at odds with successive governments. The MQM is presently split between the original MQM, formerly known as the Mohajir Quami Movement, and headed by Altaf Hussain (MQM-Altaf), a large breakaway group (MQM-Haqiqi), and other, smaller factions.

Violence among these rival MQM factions, especially between the Muttehida Quami Movement (MQM-Altaf) and the Mohajir Quami Movement (MQM-Haqiqi), continued in waves. The fighting intensified in June, resulting in more than 171 persons killed. Some of the attacks were believed to have been carried out either with police participation or acquiescence. Affected neighborhoods were under the control of gunmen. The violence was exacerbated by the creation of a new MQM faction, the Basic Association of Citizens of Karachi (BACK), headed by a former bodyguard of the self-exiled London-based MQM leader Altaf Hussein. The BACK was implicated in the torture killings of members of the other two MQM factions (the MQM-Altaf and the MQM-Afaq/Haqiqi). These two factions also continued to kill each other's activists. The violence slowed somewhat after the Sindh police increased their presence in Karachi in late June, and paramilitary rangers were allowed to enter houses without warrants to make arrests. By year's end, more than 1,000 persons had been killed in politically related violence.

The fragile Sindh governing coalition between the ruling PML and the MQM-Altaf finally collapsed in August, but the MQM-Altaf did not bring down the minority government of Sindh PML Chief Minister Liaquat Jatoi. The MQM-Altaf was angered by the Government's inaction in clearing the "no-go areas" occupied by the rival MQM-Haqiqi faction, where MQM-Altaf organizers were barred from entry. The MQM-Altaf also complained that paramilitary ranger and police operations were directed primarily against them, rather than their rivals. The MQM-Altaf accused security forces of killing and torturing scores of its workers. Overall, police and security forces remained free from legal and judicial restraint in Sindh.

On October 30, the Prime Minister invoked Article 232 of the Constitution to suspend the Sindh Assembly and impose Governor's Rule in the province after the October 17 killing of former Sindh governor Hakim Mohammad Saeed. The Government took these steps to combat the growing violence in Karachi. Saeed had been outspoken in his criticism of the MQM, which he blamed for terrorist acts in Karachi. The authorities barricaded the Sindh Provincial Assembly and forbade meetings of Assembly members. On November 21, two MQM Members of the Provincial Assembly (MPAs) were arrested for arms possession during a raid on the MQM office in Karachi. During questioning, police beat one of the MPAs, whose eye showed the effects of a severe blow in a newspaper photograph. Police claims that he was resisting arrest were weakened by the fact that the MPA involved is an underweight, older man in poor health. One MQM activist died in police custody in October, apparently as a result of beatings, and another was injured in custody.

Politics are often a source of violence. In May, 54 persons died in election related violence in Punjab (see Section 3).

During the year there were also killings of government officials. On July 25, there was an attempt on the life of National Assembly Member Ibrahim Paracha in Kohat; in late August and early September, three lower level government officials were killed and another was wounded.

Asif Ali Zardari, the husband of former Prime Minister Benazir Bhutto, remained on trial for the murder of Benazir Bhutto's brother, Murtaza Bhutto. The trial continued in closed session at the Karachi jail. Zardari also is facing corruption charges and has been implicated in the death of a witness in the Murtaza Bhutto murder case. In 1997 Zardari was elected to the Senate, and the Sindh High Court ruled that he should be allowed to take his seat. During the year, Zardari was permitted to attend senate sessions. In order for Zardari to attend, Senate Chairman Wasim Sajjad must issue a production order for Zardari to be released from prison and to be housed in a jail in Rawalpindi during senate sessions.

On April 26, masked gunmen killed 22 villagers in their homes in Barankot, Kashmir. On May 4, Foreign Affairs Ministry spokesman Tariq Altaf accused Indian agents of carrying out the attack in the Pakistani-controlled area of Kashmir.

Mob violence remained a problem, and at times resulted in deaths. On February 1, a mob diverted from prayers at a mosque in Jhampir attacked and beat to death a faith healer in nearby Astana.

Terrorism continued to be a problem, and often resulted in loss of life. In February three persons were killed when a bomb exploded near a Shi'a mosque in Karachi. In February and March, there was a series of bombings on trains in Punjab. On March 9, 10 persons were killed and 30 injured in an explosion on a train bound for Quetta from Lahore; on March 10, at least 8 persons were killed and 540 were injured in the bombing of a commuter train bound for Lahore. At year's end, it was not known who was responsible for the bombings. On October 31, 4 persons were killed and 30 were injured in a bombing outside of the main mosque in Sialkot, Punjab. The attack was one of approximately 24 bombings or attempted bombings in the area during the year.

In August, a Shi'a extremist convicted of killing 23 persons in a 1997 bombing was executed. In April, two men were sentenced to death for killing five persons in 1997 (see Section 1.e.).

Indian Government forces fired mortar and artillery shells across the border into Pakistani-controlled Kashmir during the year, killing a number of persons. For example, on July 30, Indian troops fired mortars that killed 11 persons and wounded 20 others in the part of Kashmir controlled by Pakistan. Pakistan government forces fired mortar and artillery shells across the line of control into Jammu and Kashmir, killing a number of persons. In an August 5 statement to Parliament, India's Union Defense Minister stated that Pakistani firing across the line of control into Jammu and Kashmir on July 27 and 28 had killed 31 civilians and 81 members of the security forces.

b. Disappearance

There were no confirmed cases of politically motivated disappearances. Those killed in intra-Mohajir violence in Karachi sometimes are first held briefly by opposing groups (or, as the MQM-Altaf alleges, by security forces) and tortured. However, bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted.

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. Police routinely use force to elicit confessions. While no figures are available on reports of torture by security forces, there were fewer reports of torture in the press. Human rights observers suggest that because of the widespread use of physical torture by the police, suspects usually confess to crimes regardless of their guilt or innocence; the courts subsequently throw out many such confessions.

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 with bar fetters, and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Torture by the police occurs throughout the country. Awais Akram, a bank teller, was tortured severely and pushed from the roof of Civil Lines police station in Lahore on March 15 (see Section 1.a.). In a widely reported incident in the NWFP, a 14-year-old boy was arrested on May 12 in Manshera and was sexually abused and tortured prior to his death at the hands of police (see Section 1.a.). In late July, two men died while in police custody in Lahore; their bodies bore signs of torture (see Section 1.a.)

During the first week after the imposition of Governor's Rule in Sindh on October 30 (see Section 1.a.), the Human Rights Commission of Pakistan (HRCP) received nearly 100 complaints of illegal arrests, harassment of women by police and security forces, and torture in custody. Most of those detained after the imposition of Governor's Rule were MQM-Altaf members or their relatives.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments effectively to prosecute and to punish abusers is the single greatest obstacle to ending or 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 at least 100 persons die from police torture each year. The failure to prosecute and punish abusers in a timely fashion was one of the chief arguments used by the Nawaz Sharif Government in introducing the 15th Amendment designed to enforce Shari'a law throughout the country (see Section 1.e).

The Anti-Terrorism Act passed in 1997 allowed confessions obtained while in police custody to be used to convict defendants in the new "special courts." Human rights organizations and the press criticized this provision of the law, as it is commonly believed that the police regularly torture suspects. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court invalidated this and other sections of the Anti-Terrorist Act.

Due to greater scrutiny by nongovernmental organizations (NGO's) and the media, as well as a program of prison inspections in the Punjab, torture and abuse may be 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. Persons 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 1997 Punjab province Chief Minister Shahbaz Sharif declared that his own police were "corrupt and inefficient." He appointed new senior officials to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions. In an attempt to increase police professionalism, a Punjab elite police training academy was established in November 1997 and began training hundreds of constables. It is widely acknowledged that police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each individual precinct. Three hundred new SHO's recruited on merit are due to begin a long-delayed 20-month special training course. If they are allowed to replace corrupt SHO's, observers believe that they might improve police performance greatly. However, SHO's are very powerful (it is suspected that some have murdered senior police officers that were trying to inhibit their corruption), and observers question whether their replacement is feasible.

It is commonly accepted, and high-ranking government officials have stated publicly, 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. The police then recoup their investment by extorting money from the citizenry.

Even when actions are taken to address police abuses, the results are often mixed. In urban Sindh, the operation of citizen-police liaison committees helped to curb some police excesses, but there are still many complaints of police abuse.

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 are staffed by female personnel, but receive even less 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 1997, the Commission of Inquiry for Women found 52 cases of violence or torture of women while in police custody. A woman, "Nasreen," accused the SHO of Lahore's Mozang police station of raping her on August 25, after she visited the station to register a complaint against her in-laws. The case is under internal investigation by Lahore police.

A police subinspector in Shiekhupura, Punjab, allegedly stripped, hung upside down, and tortured a woman on April 20 in an attempt to extort money from her after her

husband's arrest. Police then raided her home, and took 70 grams of gold and a tape recorder. A bailiff from the Lahore High Court released her from custody after her son took legal action. The internal police investigation mentioned only illegal confinement. Instances of abuse of women in prisons are less frequent than in police stations.

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 19 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 are 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 frequently are charged under the Hudood laws on sexual misconduct, such as adultery. Approximately one-third of the women in jails in Lahore, Peshawar, and Mardan 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 enforced weakly, 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 sometimes are 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).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), allows the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain fellow members of a fugitive's tribe in order to obtain the surrender of a fugitive. On December 13, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a murder and burned down their homes as punishment (see Section 1.e. and 1.f.).

Police at times use excessive force against demonstrators. On April 20, police beat PPP demonstrators in front of Parliament who were protesting the trial of PPP leader Benazir Bhutto on corruption charges. Two PPP Senators who attempted to intervene also were beaten by police and required hospitalization. Fifty-one PPP demonstrators were arrested. At year's end, no action had been taken against the police officers involved in the incident. Police also used excessive force in dispersing Christian demonstrators in Lahore on May 15, beating and arresting hundreds of demonstrators, including elderly women.

Police at times also beat and arrested journalists (see Section 2.a.).

Terrorist bombings occur on occasion. Soon after the death of an MQM activist in custody on October 2, two small bombs exploded in central Karachi, but no one was injured. On December 22, a small bomb planted under a pew in St. Patrick's

Cathedral in Karachi went off, causing minor damage and injuring one person. Other bombs resulted in numerous deaths and injuries (see Section 1.a.).

Prison conditions are extremely poor. Overcrowding is a major problem, and the Law Commission estimates that almost every jail in the country has two to three times more prisoners than its nominal capacity. According to official statistics, the country's jails have a capacity of 34,101 prisoners, but, as of June 30, 1997, they held 81,904 convicted and "under trial" prisoners. In Punjab 54,561 are being held in 28 facilities with a capacity of 17,271. Some 80 percent of prisoners are "awaiting trial," mostly for petty offenses.

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 painful leg fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. The Senate's Committee on Human Rights reported to the Prime Minister that at one facility in Hyderabad, 60 prisoners were confined in a space 100 feet by 30 feet with only one latrine. Such unsanitary conditions are common in small, poorly ventilated and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, leads to chronic malnutrition for those unable to supplement their diet with help from family or friends. Mentally ill prisoners usually are not provided with adequate treatment and often are not segregated from the general prison population. Foreign prisoners often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Conditions in "B" and "A" cells are markedly better than in "C" cells. Prisoners in "A" cells are permitted to have servants, special food, and televisions. The authorities reserve "A" cells for prominent persons. Especially prominent individuals--including some political figures--sometimes are held under house arrest and permitted to receive visitors.

The Government permits prison visits by human rights monitors.

Landlords in rural Sindh and political factions in Karachi operated private jails. Such jails are believed to exist in tribal and feudal areas. Human rights groups allege that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh. Some prisoners reportedly have been held in them for many years. On September 9, a Sindh landlord, Rias Mureed Khan Marri, led a group of armed men to seize a group of 107 of his former bonded laborers, who had been freed 2 years ago. In the attack, at least 25 persons, including a British priest, were injured, one woman miscarried, and an elderly woman later died from her wounds. NGO and press pressure moved the Sindh Chief Minister to intervene. Eighty-five members of the group were released. At year's end, the police were searching for the remaining 22.

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law, and police arbitrarily arrested and detained citizens. 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 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 First Incident Report (FIR) filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's thus frequently are used to harass or intimidate individuals. Charges against an individual also may 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. However, such proof 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 a court challenges them. 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.). Police have been known to detain persons in connection with personal vendettas. In early December, Humaira Mahmood, daughter of a Punjab provincial assembly member, was taken by her brother and several Punjab police officers from a shelter in Karachi where she had taken refuge from her family after marrying against the wishes of her father. Sindh police cooperated in the raid of the shelter. Mahmood was held illegally until public protests led Governor Moinuddin Haider to intervene (also see Sections 2.d. and 5).

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 6 months after the filing of charges.

The Government permits visits by human rights monitors, family members, and lawyers. However, in some cases, authorities refuse family visits and in some police stations persons 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. A boy, Roman Ali, arrested in 1993 at the age

of 12 for his fugitive elder brother's crimes, was sentenced to 42 years' imprisonment in 1994. In 1996, a petition against this sentence in the Peshawar High Court was dismissed. Ali's appeal to the Secretary of the Home Department and to the Supreme Court both still are pending.

The Government sometimes uses mass arrests to quell civil unrest. Sectarian violence in the Punjab prompted 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 Sections 2.a. and 2.b.).

The Accountability Commission established by the 1996-97 caretaker government has been overshadowed by an "accountability cell" headed by a close associate of the Prime Minister, Senator Saifur Rehman. This cell, ostensibly initiated to uncover corruption in an evenhanded manner, has conducted politically driven investigations of, and campaigns of vilification against, opposition politicians, senior civil servants, and business figures. These investigations are designed to extract evidence and in some cases, televised confessions of alleged wrongdoers. Authorities arrested and questioned the wife and daughter of former Pakistan Steel executive Usman Farooqi in an attempt to pressure the already-imprisoned Farooqi. In an effort to compel a former bureaucrat to return to Pakistan, the Government prevented the departure of family members, even those who were not citizens of Pakistan, on the grounds that they were "beneficiaries" of alleged corruption. In late July, the Lahore High Court ruled that this approach was invalid.

The opposition PPP compiled a list of 91 cases in which the Government had subjected its supporters to harassment, police raids, or threats. The total also includes party workers killed in personal vendettas or in Karachi's political violence.

Most politicians and bureaucrats who have been charged with corruption or other crimes are out on bail. The MQM contends that 750 of its members are still in jail on politically motivated charges that date from the 1992-96 period. Since the beginning of Governor's Rule in October hundreds of MQM activists have been arrested in the government's crackdown on terrorism. The MQM asserts that they are targeted, despite government claims of even-handedness.

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. During the course of 1997, the judiciary vigorously asserted its authority in disputes with the executive branch, but was outmaneuvered by the Prime Minister. At one point, supporters of the Prime Minister stormed the Supreme Court building. The Chief Justice was forced to flee the building when police took no action to stop the Prime Minister's supporters. Executive power was enhanced by the constitutional confrontation between the Prime Minister and the Chief Justice over the selection of Supreme Court justices. As a result of this struggle, President Farooq Leghari resigned in December 1997, and the Prime Minister's own candidate, former judge Rafiq Tarar, was selected for the presidency by the National Assembly. Also, a Supreme Court panel deprived the Chief Justice of

his position and a new Chief Justice was sworn in. Many observers fear that these events damaged the prestige and independence of the judiciary. However, the Supreme Court demonstrated a continued degree of independence on a number of occasions. Nonetheless, low salaries, inadequate resources, heavy workloads, and corruption contribute to judicial inefficiency, particularly in the lower courts.

In May the Lahore High Court Bar Association boycotted the swearing-in of new judges and objected to the removal of other "temporary judges" appointed earlier to the court. Pro-opposition lawyers believed that the executive was stacking the court with political sympathizers, but some neutral observers argued that merit played a role in most appointment decisions. The Lahore High Court overturned several provisions of the Government's Anti-Terrorism Act on March 9, citing its limitations on the judiciary's independent appellate authority. On May 15, the Supreme Court upheld the High Court's ruling, and gave the Government 90 days to amend the law. The Government amended the legislation in October. However, the antiterrorist courts remained mostly idle. Most of the controversial provisions of the law were never tested and only one execution of a terrorist suspect has been carried out under the law, after appeals to both the Lahore High Court and the Supreme Court. Mehram Ali, a Shi'a extremist who was convicted of the killing of 23 persons in the 1997 bombing of the Lahore sessions court, was hanged in prison on August 11. Two men were sentenced to death on April 5 for the killing of five Iranians in Rawalpindi in 1997, but have not yet been executed.

On May 18, the Supreme Court also upheld the right of parliamentarians to express dissent from party policy. The 14th Amendment to the Constitution allows the expulsion of any party member who commits a "breach of party discipline," a measure meant to limit problematic defections and corrupt "horse trading." Defectors are still subject to expulsion--but are allowed to speak their minds as long as they vote with their party. The Supreme Court's decisions in these cases restored the faith of many in the independence of the judiciary.

On May 28, immediately after Pakistan's nuclear tests, President Tarar declared a state of emergency, suspending all fundamental rights ensured by the Constitution. On July 13, as the Supreme Court was considering the constitutionality of this move, the President overturned some of the state of emergency provisions, restoring 18 of 27 fundamental rights enumerated in the Constitution. On July 28, the Supreme Court upheld the state of emergency declaration but ruled that the Government's effort to suspend fundamental rights under Article 233(2) of the Constitution was without justification under the circumstances leading to the state of emergency and thus was not legal. However, the Supreme Court did not challenge the Government's curtailment of fundamental rights under article 233(j) of the Constitution. Nevertheless, the Government generally did not invoke the state of emergency to deny fundamental liberties in court cases.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics and antiterrorist cases, as well as the federal Shariat appeals courts for certain Hudood offenses. The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property 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 antiterrorist courts began operation in Punjab in August 1997, and were virtually shut down by decisions of the Lahore High Court in March and the Supreme Court in May. Subject to appeal, these decisions allowed previous convictions of the courts to stand and the courts continued to convict a few prisoners without recourse to disputed provisions. In October, the Government amended the law pursuant to the decision of the Supreme Court. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures, but due to continued terrorist intimidation of witnesses, police, and judges, produced only a handful of convictions of terrorist suspects before their operation was effectively suspended by the March Lahore High Court decision. The judiciary has argued that it has not been able to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. Under the Anti-Terrorist Act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, and trials in absentia were permitted, though trials in absentia were banned by the Lahore High Court decision in March. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts. Under the Anti-Terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty. Because of the law's bail provisions, Islamic scholar Yusuf Ali was unable to obtain bail. After the suspension of this provision, judges continued to avoid hearing his bail application. He has been held in a "C" class cell since March 1997.

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. However, concerns over political use of the act were largely unrealized. Government officials and police believed that the deterrent impact of the act's death penalty provisions contributed significantly to a reduction in sectarian terror after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child murders, and several convicts have been executed under these provisions. In 1997 cases filed under section 295(a) of the Penal Code (one of the so-called blasphemy laws) were transferred to the antiterrorist courts. Human rights advocates feared that if blasphemy cases were tried in the antiterrorist courts, alleged blasphemers who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-Terrorism Act.

The Government continued to complain that the existing court system was inadequate to address serious challenges to public authority from terrorist violence. On November 20, Prime Minister Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 30. These courts were to try cases involving heinous acts and terrorism. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operating on December 6. By December 20, six persons had been convicted and sentenced to

death, and four others had been sentenced to rigorous imprisonment. The HRCP protested that the military courts and Governor's Rule violate the Constitution.

The civil judicial system provides for an open trial, the 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. Many accused, especially well-connected individuals who are made aware of impending warrants against them, are also able to obtain pre-arrest bail, and are thus spared both arrest and incarceration.

The federal Shariat Court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. The federal Shariat 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. While some vacant judgeships were filled this year, heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process also holds up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. Eighty thousand criminal cases were reported pending in Sindh at the end of 1997, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were 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 frequently are referred to panels composed of two or three judges. 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.

The Penal Code incorporates the doctrine of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked, but Diyat is used,

with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. Under these ordinances only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to both ordinary criminal courts and Shariat 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, a non-Muslim does not have the option of paying Diyat and must serve a jail sentence or face the death penalty for his crime. Although not commonly used, the Penal Code's provision for Diyat occasionally is applied, particularly in the NWFP. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. The Human Rights Commission of Pakistan made public the case of one such convict, Noshiran Khan, in the NWFP. Khan has been in prison since 1996 and cannot be released until he pays his Diyat fine of approximately \$3,843 (PRs 20,000).

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat 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 Shariat 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, or Koranic punishment (see Section 1.c.), and others to Tazir, or secular punishment. 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 19 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).

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 tribal agencies, 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 December 13, Khial Ghaffer was executed publicly in Khadezo village in Orakzai Tribal Agency after being found guilty of murder 3 weeks before by a local Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai. Six of Ghaffer's alleged accomplices were fined and their homes were razed (see Sections 1.c. and 1.f.).

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.

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, such as the July killings of Hidayat Bibi and her husband. Hidayat's uncle killed both of them after they eloped (see Section 5).

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

The Government infringes on citizen's privacy rights. Prior to the substantive suspension of the Supreme Court in May, the Anti-Terrorism Law allowed police, or military personnel acting as police, to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in a terrorist act (which is defined very broadly). This provision was never tested in the courts. By prior law, the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. Regardless of the 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 seldom are 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 routinely use wiretaps and 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 1997 the Supreme Court directed the federal Government to seek the Court's permission before carrying out any future wiretapping or eavesdropping operations. Nonetheless, that same year, 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 that still tapped and monitored telephone calls of citizens. The case is pending in the Supreme Court. A press story in October quoted anonymous cabinet ministers who complained of wiretapping of their telephones by the Intelligence Bureau.

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 in order 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 those who allegedly tolerated nearby criminal activity. On December 13, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in

Orakzai Tribal Agency, fined six alleged accomplices to a murder and burned down their homes as punishment (see Sections 1.c. and 1.e.). On December 29, riots occurred in Karachi in response to the demolition by security forces of up to 300 homes in the low income Gharibabad neighborhood, which is widely considered to be an MQM-Ataf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals.

In March three young girls who had converted to Islam from Christianity were removed from their parent's custody by a court (see Section 2.c.). The importance of the parent's religion in the judge's decision, however, was not clear.

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. Views expressed in editorials and commentary are often frank and pointed in their criticism of the Government. 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.

Anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution, can be prosecuted for treason. However, prosecutions under this provision have been rare. The Constitution also prohibits the ridicule of Islam, of the armed forces, or of the judiciary. This provision served as grounds for the 1997 charges against the presidential candidacy of Rafiq Tarar, the current President, based on press statements made several years previously that were critical of the judiciary. The charges against Tarar were later dismissed.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammed, 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 effectively suspended Anti-Terrorist Act stipulates imprisonment with rigorous 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. On January 19, the editor of the Urdu daily Pakistan and several other journalists from that paper were arrested and held briefly for publishing a routine passage from a serialization of a popular account of the life of the Prophet Mohammed. The work quoted an incident in which the Prophet's son-in-law, Ali, who is revered by members of the Shi'a sect, reportedly drank alcohol before the revelation of its prohibition. Any concerns that publication of this item would enrage the Shi'a were proved groundless. After a published apology, authorities released the editor and journalists.

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 traditionally has 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 the release of military news and access to military sources.

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, in 1997 this code of silence was undermined when a National Assembly committee, by discussion of defense appropriations and corruption in defense contracts in open session, made possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English language press. The resignation of Chief of Army Staff General Jehangir Karamat in October also was widely discussed in the press.

Government leaks, while not uncommon, are managed carefully: It is common knowledge that journalists, who routinely are underpaid, are on the unofficial payrolls of many competing interests, and the military (or elements within it) is presumed to be no exception. Favorable press coverage of the Prime Minister's family compound/hospital/college south of Lahore was widely understood to have been obtained for a price. Rumors of intimidation, heavy-handed surveillance, and even legal action to quiet the unduly curious or nondeferential reporter are common. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns, its control over newsprint, and its ability to enforce regulations. The country's leading Urdu daily, Jang, and the English-language daily News, both owned by Shakil Ur-Rehman, were cut off for a time from critical government advertising revenue after publishing articles unflattering to the Government. The Jang group also was served with approximately \$13 million in tax notices, harassed by government inspectors, and pressured not to publish articles. There is credible evidence that Senator Saifur Rehman, a close associate of the Prime Minister and head of the Accountability Bureau, demanded that a number of journalists and editors be fired. Jang also reportedly had difficulty obtaining sufficient newsprint to publish. Rehana Hakim, editor of the English-language monthly Newline also has complained that her publication, which is highly critical of the Government and does not receive government advertising revenue, has been raided and harassed by tax inspectors and security agents. The editors of the weekly The Friday Times have alleged government harassment of their staff as well. On March 19, Public of Karachi, a local Urdu-language daily, was banned by the local magistrate and ceased publication on March 20.

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 usually are 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 government scrutiny.

In August Government attempts to establish a Press Council, led by the editor of the Urdu daily *Nawai-e-Waqt*, were successfully opposed by journalist unions. Journalists objected to the inclusion of government representatives and the exclusion of working journalists from what was supposed to be a self-regulating rather than a government-directed body.

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. English language publications have not been affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in the second half of 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

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 local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times, landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, also retaliate against journalists who shed light on their crimes. For example, on August 17, two journalists who had alleged that a landlord was responsible for the kidnaping and gang rape of an orphan were fired upon by the landlord in question. The local police SHO had not registered the rape. 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.

However, violence against and intimidation of journalists is a nationwide problem. For example, in January, the federal police ransacked the home of Raja Tariq, a crime reporter for *Jang*. The police, who had no warrant, accused him of harboring MQM activists. The police officials who raided his home reportedly were suspended. On June 21, police officers beat journalist M. Ismail Jatoi in Shikarpur for photographing a policeman allegedly in the act of taking a bribe. On July 9, a bomb exploded in the offices of *Dawn*, a daily newspaper in Karachi. No one was injured, but the building was damaged. A car bomb had exploded nearby 30 minutes prior to the explosion in the offices of *Dawn*. The newspaper recently had been publishing stories on sabotage and terrorism. On July 19, police in Hyderabad beat two journalists. An investigation into the incident was ordered, and the police officer involved was suspended. On August 16, PML youth wing activists attacked the editor-in-chief of a local weekly newspaper in Chukwal, Punjab, for publishing what they considered an anti-PML story. On September 15, Pervaiz ul Hassan was arrested after reporting on corruption in the local police force and civil administration. In September a journalist in Peshawar began receiving death threats and went into hiding after publishing articles about child abuse at various local madrasahs

(religious schools) and about the Jamiat-i-Ulema-i-Islam party's General Secretary for the NWFP. Members of the Tehrik-i-Jafaria Pakistan (TJP) attacked four journalists in Karachi after covering the funeral of a slain TJP leader and the subsequent riot. TJP members seized and damaged the journalist's cameras and other equipment to prevent publication of photographs of the incident. In early October 2 Afghan journalists were shot at in separate incidents in connection with articles they had published. Taliban agents are suspected to have been the gunmen.

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 still is pending in the courts. While child labor is now accepted publicly as a general problem by both the Government and industry leaders, Zafaryab was not permitted to leave the country and take up a prestigious academic fellowship abroad until December, 5 months after he requested permission to depart.

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 are closely controlled by the Government and traditionally have 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 (these are under investigation for possible corruption in making deals, but so far no irregularities have been found). The private television station occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. 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) rebroadcasts Cable News Network (CNN) and British Broadcasting Corporation (BBC) 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 advertisements deemed morally objectionable. The Prime Minister established strict rules regarding morality in government broadcasting and advertising on PTV in 1997, banning western-style dancing, male and female co-hosting of programs, and depictions of women washing in soap commercials. In January the government of Punjab stated that dances performed by women would be banned from television broadcasts, but took no steps to implement the decree. 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. Dance performances, even classical performances, are subject to protest by certain religious groups. 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 broadcast on television, but some sensitive series have been cancelled before broadcast.

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", and 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 persons 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.

Police sometimes used excessive force against demonstrators. Police beat opposition politicians, including Senate opposition leader Aitzaz Ahsan, who was taking part in a small peaceful demonstration on April 20 outside the National Assembly (see Section 1.c.). Police also used excessive force in dispersing Christian demonstrators in Lahore on May 15, beating and arresting hundreds of demonstrators, including elderly women. The police responded to criticism by stating that numerous acts of vandalism and arson required them to move to restore order and prevent retaliation against Christians (see Sections 1.c. and 2.c.).

The Government usually did not 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.

The Constitution provides for freedom of association subject to restriction by government ordinance and law. However, these ordinances and laws have not been known to have been used since the martial law period. There are no banned groups or parties.

c. Freedom of Religion

Pakistan is an Islamic republic in which 96 percent of the population is Muslim, and the Government imposes limits on freedom of religion. While the majority belong to the Sunni sect, some 20 to 25 percent of the population is Shi'a. 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 and threats of reprisals against suspected converts are common. For example, according to the HRCP, Muhammad Akram was threatened with death by an influential local religious organization after he joined the Ahmadiyya community, whose members are regarded as non-Muslims under the Constitution. The threat was published on the organization's own letterhead, but no legal action was taken against the group.

"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. The new education policy announced by the Government on March 27 included provisions for increased mandatory Islamic instruction in public schools.

Minority religious groups fear that the explicit constitutional imposition of Shari'a (Islamic law) favored by the Prime Minister in his proposed 15th amendment and his goal of Islamizing government and society may further restrict the freedom to practice non-Islamic religions. The Government counters that the proposed amendment contains specific language protecting the rights of minorities. 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).

Prime Minister Sharif has spoken out in support of the rights of religious minorities, and hosted a Christmas dinner in 1997 for 1,200 persons. In September, the Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names.

In February 1997, 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 spurious charges that a Christian man had desecrated a copy of the Koran. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless. The central Government took immediate relief action, deploying troops briefly to restore order, and the Prime Minister visited the village. The Government has rebuilt 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. The 86 persons who were charged with offenses related to the attack remain free on bail and there was no indication that authorities planned to bring them to trial.

On March 19, a district court in Rawalpindi removed three sisters, ages 11 to 15, who had converted from Christianity to Islam, from the custody of their Christian parents. The importance of the parent's religion in the judge's decision, however, was not clear.

The Ahmadis are subject to specific restrictions under law. A 1974 Constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of this Section was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. This provision has been used extensively by the Government and anti-Ahmadi religious groups to harass and to persecute Ahmadis (see Section 5). Ahmadis continue to suffer from a variety of restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Waheed Ahmed, an Ahmadi living in Golarchi, Sindh province, was arrested on March 14, beaten by police, and sentenced on April 21 to 10 years' imprisonment by an antiterrorist court for allegedly misrepresenting the religion of Laiq Punhor on his census form. Punhor was fearful of admitting on his form that he was an Ahmadi and asked Waheed for advice. When authorities confronted Punhor, he denied that he was an Ahmadi and implicated Waheed in the "false" census entry. Tabloid-style Urdu newspapers also frequently whip up popular emotions against Ahmadis by running "conspiracy" stories. On June 20 at Swat, in the Northwest Frontier Province, local police and ruling party officials raided the home of an Ahmadi scholar and local leader of the Ahmadi community. They seized all of his religious literature, claiming that he was running a center of proselytization. The scholar was not at home, but his son was arrested. The raid appeared to have been instigated by a June 18 story in the Urdu daily newspaper Ausaf alleging the existence of an Ahmadi "preaching headquarters" in Swat.

Ahmadi sources also reported that on June 4 the district magistrate of Loralai, Baluchistan, summarily expelled three Ahmadis from the district on charges of preaching.

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, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the holy Prophet Mohammed." 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. No one has been executed by the State under any of these provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. On September 8, a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy in Rahimyar Khan, Punjab, for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. Akbar had been free on bail prior to this sudden and unexpected conviction.

Three Ahmadis were convicted of blasphemy in December 1997. Abdul Qadeer, Muhammad Shahbaz, and Ishfaq Ahmad were found guilty of violating Section 295(c) and sentenced to life imprisonment and \$1,250 (PKR 50,000) fines. Lawyers for the men have appealed the decision to the Lahore High Court, whose ruling had not been issued by year's end. The Lahore High Court has turned down an application for bail while this appeal is under consideration. Their request for bail has been taken to the Supreme Court, which has not yet given a date for a bail hearing. In the meantime, the men are serving their sentences in the Sheikhpura jail. A number of other persons are in jails awaiting trial on blasphemy charges. A Muslim religious scholar, Muhammad Yusuf Ali, was charged under Sections 295(a) and (c) and has been jailed in a class "C" cell since March, 1997. Due to threats by religious extremists, his wife had to resign from her job as a professor and go into hiding with their children. According to Ahmadi activists, 44 Ahmadis were charged with violating blasphemy and anti-Ahmadi laws during 1998. Ahmadi leaders state that 145 Ahmadis were awaiting trial on blasphemy charges under section 295(c), as of September 30.

The case of Anwar Masih, who has been jailed since December 1993, was settled with his conviction on a lesser blasphemy count under Section 295(a). Conviction under this section does not require the death sentence, and he was released for time served on April 24. Ayub Masih (detained since October 1996), was convicted of blasphemy under Section 295(c) for making favorable comments about author Salman Rushdie and was sentenced to death on April 27. Ayub's family and 13 other landless Christian families were forced from his village in 1996 following the charges. Although the case was pending appeal before the Lahore High Court, Ayub's principal defender, Faisalabad Roman Catholic Bishop and human rights activist John Joseph, committed suicide on May 6 with a handgun outside the Sahiwal court where Ayub had been convicted, to protest the conviction. The High Court appeal still was pending at year's end. Bishop Joseph's remains were taken to his hometown for burial, but a congregation of thousands of Christians prevailed upon the family to allow burial at the Faisalabad Cathedral. The day of his funeral, May 10, was marked by violence, as angry Christians confronted police. Mobs of Muslim extremists moved to attack Christian property, and they, in turn, were repelled by police. Another Christian, Ranjha Masih, was arrested as a mob was beating him for allegedly throwing stones at an Islamic sign. He, too, was charged with blasphemy, and remains in Faisalabad prison. After the Faisalabad authorities quelled Muslim extremist mobs on May 11, the violence spread to Lahore, where on May 15, a Christian demonstration marred by vandalism was dispersed by police using excessive force. Hundreds were arrested and scores injured by the police (see Section 2.b.). However, the police prevented retaliatory attacks on Christians by those whose property had been destroyed by demonstrators, and, within several days, nearly all of those arrested were released. The provincial government issued orders to civil administrators to keep the peace and block registration of frivolous blasphemy charges.

Nevertheless, Shafiq Masih, another Faisalabad Christian, was charged with blasphemy on May 31, following a dispute with a neighbor. In Faisalabad a crowd of over 1,000 persons soon converged on Shafiq's home and were prepared to lynch him when the police intervened. Despite instructions to investigate thoroughly any charges before registering a case, the local police chief charged Shafiq with blasphemy to calm the sentiments of the mob. Another Christian, Nazir Masih, was charged under Sections 298 and 298(a) for allegedly insulting the daughter of the

Prophet Mohammed and was arrested on August 11 at Patoki. These charges do not carry the death penalty. He is being held at the central jail in Sahiwal.

Sectarian violence between the Sunni and the Shi'a continued to take its toll. In the Punjab, a deadly pattern of Sunni-Shi'a violence resumed in which terrorists kill persons because of their membership in rival sectarian organizations, or simply for their religious identification. On January 11, Sunni extremist gunmen attacked a Shi'a religious meeting at the Mominpura graveyard in Lahore, killing 25 worshippers and wounding 50 others. Shi'a riots followed the massacre, in which government offices and courthouses were burned in Lahore. For most of the year, the violence remained one-sided, with Sunni terrorists sporadically killing Shi'a government officials, police, or members of the Shi'a religious political party, the TJP. However, on July 17, gunmen killed Salim Reza, vice president of the radical Tehrik Pakistan (STP) in Karachi; but there were credible allegations that Reza's killing was not carried out for political reasons. On July 19, Abdul Wahid Qadri, leader of an STP faction, was killed. On September 13, four Sunnis, including the deputy secretary general of the anti-Shi'a group Sipah-e-Sahaba-e-Pakistan (SSP) were shot and killed in their vehicle outside Islamabad. Anti-Shi'a riots and attacks followed throughout the country. In September, 21 Shi'ites were killed by gunmen and 20 were injured while attending an outdoor religious ceremony in Kot Addu, Punjab. Outside of Punjab there were other significant incidents of Sunni-Shi'a violence. Violence between the two sects claimed at least 35 lives and resulted in scores of injuries in Hangu, NWFP in March before the deployment of police and army troops and negotiations restored calm.

When blasphemy and other 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. Many judges also seek to pass the cases to other jurists. Prior to his killing in 1997, 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, presumed to be a religious extremist, has not been arrested; there were unconfirmed reports that the killer himself may have been killed in a staged encounter with the police.

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

Most citizens enjoy freedom of movement within the country and the freedom to travel abroad, however, the Government at times limits these rights. The authorities at times prevent political party leaders from traveling to certain parts of the country (see Section 2.b.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely is enforced against students. 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. Zafaryab Ahmed, a prominent human rights activist, was

placed on the ECL and was not allowed to leave the country until December (see Section 2.a.). However, in some cases courts have directed the Government to lift restrictions on some ECL-listed politicians' travel abroad. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country on December 28. Bhutto was allowed to leave on December 31, following a court order to the Government to lift the travel restriction against her.

Use of the ECL authority to harass political opponents increased in 1998. The wife of a former advisor to Prime Minister Benazir Bhutto also was placed on the ECL and prevented from leaving the country on the grounds that her husband is being investigated for corruption. The woman, who was not a citizen, was not allowed to depart despite her urgent need for medical treatment. The accountability cell argued that she was a "beneficiary" of her husband's alleged corruption. The Lahore High Court ruled this approach invalid and she eventually was allowed to depart the country after a life-threatening delay of her treatment. However, the airport official that honored the court decision and allowed her departure reportedly was removed from his post by order of the accountability cell chief. The British director of the HUBCO Power Company was placed on the ECL on September 14, and MQM moderate Senator Nasreen Jalil also was placed on the list and prevented from leaving the country after the imposition of Governor's Rule.

The ECL sometimes is used by the politically powerful for personal revenge. In November Humaira Mahmood, daughter of a Punjab provincial assembly member, was placed on the ECL along with her husband. Mahmood married against the wishes of her father in 1997. She appealed the placement of her name on the ECL to the Sindh High Court, which was to rule in February 1999 (see Sections 1.d. and 5).

Pakistan does not grant asylee status, but confers "prima facie" status based on guidelines established in a 1981 handbook. The handbook follows the provisions of the 1951 United Nations Convention Relating to the Status of Refugees, but it is not considered legally binding.

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. There still are believed to be 1.2 million Afghan refugees in Pakistan who have been granted first asylum.

The Government has not granted permanent legal 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. A large number have obtained Pakistani identity cards and are expected to remain in Pakistan indefinitely.

According to the UNHCR, there were no reports of the forced return of persons to a country where they feared persecution. The Government is cooperating with the UNHCR to support voluntary repatriation of Afghans to rural areas of Afghanistan considered to be safe. During the year, approximately 93,000 Afghans returned to Afghanistan. Since 1988 some 2.7 million Afghans have repatriated from Pakistan.

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 Pakistanis. Police frequently attempt to prevent Afghan nationals from entering the cities, and reports exist that some have been forced back into refugee camps. Most able-bodied male refugees have found at least intermittent employment but are not covered by labor laws. Women and girls obtained better education and health care than is currently available in Afghanistan from NGO's who provided services. However, Afghan women working for NGO's occasionally have been targets for harassment and violence by conservatives, including Taliban sympathizers, in the Afghan refugee community.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu-speakers 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 immigrated to present-day Pakistan from India during partition--supports resettlement, the Sindhi community opposes it. 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 nomads and bonded laborers 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." Bonded laborers with an address and an identity card are eligible to vote. 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 elected directly. The Constitution requires that the President and the Prime Minister be Muslims. The Chief of the Army Staff historically has exercised influence on many major policy decisions. However, in October Chief of Army Staff General Jehangir Karamat resigned after making a public speech critical of government policy. His resignation was widely interpreted as evidence of his commitment to observing democratic norms. The Prime Minister then named his replacement, General Pervez Musharaf.

National elections for national and provincial assemblies were held in February 1997. Election observers, including teams from the 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 were held in Punjab on May 20. At least 54 persons died in local vendettas during the campaign and balloting. Although ruling party candidates won most seats, the provincial government did not name chairmen to these bodies or allow them to take office until December. Specially nominated women, worker, and peasant representatives were chosen, after long delay, on

October 15. Elections have not been held in the other provinces since 1993, when these bodies were dissolved by a caretaker government because of charges of corruption. In the interim, appointed civil servants continue to administer local governments in all four provinces. The Khidmat (Service) Committees appointed by the Government in April and heavily packed with PML members were widely seen as an attempt to eliminate the need for local elections in Sindh.

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 and has no authority to change laws or to raise and spend revenue.

The national census, held after a delay of 7 years, was carried out in March. The census was postponed repeatedly due to pressure from ethnic groups and provincial rivalries. Census figures serve as the basis for determining political representation and also for allocating funds to the various provinces from the federal treasury. Residents of areas who expected results that indicated either greater population shifts to their regions or smaller shifts away from their regions disputed preliminary census results. The 9.26 million census figure for Karachi is estimated to be 3 to 5 million short of the actual figure.

Although women participate in government, and former Prime Minister Benazir Bhutto is leader of the opposition, 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, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. In April the federal Cabinet announced that women's representation in local councils should be increased by 100 percent, but by year's end no steps had been taken to implement this announcement. 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 1997 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. On December 14, a seminar on women's political participation was held in Lahore, which drew a number of politically prominent persons, professionals, and others.

Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Because of this, local parliamentary representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that these "separate electorates" are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely unrepresented. In the National Assembly (NA), Christians hold four reserved seats; Hindus and members of scheduled castes another four; Ahmadis one; and 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. The 1997 general election report states that each Christian NA member represents 327,606 persons; 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 because they are based on 1981 census figures. The 1998 census figures for religious minorities have not yet been published.

The February 1997 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. However, several political parties did campaign covertly 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.

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 extremists. These threats became more explicit and public in 1998, with signed graffiti calling for the murder of well-known human rights activist Asma Jahangir.

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

Several international NGO's operate in the country, many of which aid refugees. In July two NGO's that serve Afghan refugees, Shelter Now International and Serve, experienced difficulties in getting the visas of several staff members renewed. This occurred after allegations that the groups had engaged in proselytization appeared in the press. Both NGO's denied having proselytized.

The Ministry of Human Rights, established in 1995, is now a department within the Ministry of Law, Justice, Human Rights, and Parliamentary affairs. Some 125 employees staff the department, which is headquartered in Islamabad and has four regional offices. The department has set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operates primarily on a case-by-case basis, but is seeking help from donor agencies on projects for institutional capacity building and human rights awareness. The department was able to finalize and begin

limited implementation of a reform program for jails. However, the department is not viewed as very effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

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 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. 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 abusers may be charged with assault, cases rarely are filed. Police usually return battered wives to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives are also reluctant to report cases of abuse in order to protect the reputation of the family.

In 1998 there were hundreds of incidents involving violence against women reported in the press. The press continued to draw attention to killings 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; some women were reportedly burned with acid. A press survey of 107 "stove deaths" in Lahore covering the period from January to June found that only 2 resulted in murder charges. Shahnaz, age 20, of Hando Gujran, told her parents as she lay dying in the hospital on May 3 that her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three other in-laws. The case remained pending without any progress as of December. In 1997 a study of 145 "stove deaths" found that almost all of the fires were deliberately set. According to the Commission of Inquiry for Women, newspapers from Lahore reported an average of 15 cases of stove deaths per 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.

A crisis center for women in distress was opened in 1997 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 hot line for women in distress. Although the center opened before funding had

been allocated and staff hired, the center is now fully staffed. Staff for a second center in Vehari, in southern Punjab, began training in October.

Rape is an extensive problem. In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remained low. This is because rape, and gang rape in particular, is commonly used as a means of social control by landlords and local criminal bosses seeking to humiliate and terrorize local residents. Therefore, police rarely respond to and are sometimes implicated in these attacks. It is estimated that less than one-third of all rapes are reported to the police. The police themselves frequently are charged with raping women (see Section 1.c.). The HRCP in 1997 tallied 671 rapes in and around Lahore from press reports; 385 of the victims were minors, and 370 had been gang raped. FIRs were filed in 479 cases, and arrests were made in 87 cases. 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. Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The maximum punishment for this offense is public flogging or stoning. In Hudood cases, a female or non-Muslim witness is not allowed to testify. Thus, if a man rapes a woman in the presence of several women, he cannot be convicted under the Hudood Ordinances because women cannot testify. Similarly, if a Muslim man rapes a Christian woman in the presence of other Christian men and women, he cannot be convicted because non-Muslim witnesses cannot testify.

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. Even if a woman wishes to bring rape charges, she may have trouble bringing her attacker to justice. According to Amnesty International, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges. According to Human Rights Watch, on April 6, two Afghan women reportedly were raped after being taken off of a bus traveling to Peshawar. The attacker was arrested but was released after paying a bribe to the police. He was only rearrested after the Pakistan Commission for Afghan Refugees became involved in the case.

The Parliamentary Commission of Inquiry for Women criticized the Hudood ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of the Shari'a. 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 also have 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. Approximately one-third or more of the women in jails in Lahore, Peshawar, and Mardan are awaiting trial for adultery under the Hudood ordinance. In June 35 of 80 female prisoners in Peshawar were imprisoned on Hudood violations.

In Mardan 11 of 16 female prisoners in June had been jailed for violations of the Hudood ordinances.

Marital rape is not a crime. The 1979 Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for Women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (nonconsummated) 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 often are acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations in so-called "honor killings", in order to restore tribal or family honor (which is known as "karo-kari" in Sindh), applies equally to offending men and women, women are far more likely to be killed than men. Between January and June, the press covered approximately 40 such cases in Punjab. The problem is believed to be even more extensive in rural Sindh. According to Amnesty International, on January 11, a man in Sandwa village, Gujranwala, killed his daughter and the man she allegedly had an affair with. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Commission of Inquiry for Women has 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. A Karachi-based NGO estimates that 100 to 150 women are trafficked to Pakistan each day from Bangladesh, and are sold for both domestic labor throughout the country and for prostitution in Karachi. They usually are deceived with false prospects of working in legitimate jobs in Pakistan. Smaller numbers of Burmese, Sri Lankan, Indian, and Afghan women also are trafficked. Such women generally do not have legal residency, and, if arrested in police raids, end up in jail for violation of immigration laws and/or violations of the Hudood ordinance. Without money to pay for bail, they often are bailed out by their pimps, who force them to return to prostitution. Despite widespread general knowledge about trafficking, the Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. On December 15, a conference on trafficking in women was held in Islamabad, which attracted an audience that included a justice of the federal Shariat Court, as well as government officials, journalists, and activists.

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 are. According to a United Nations study, girls receive less nourishment, health care, and education than boys do. According to a 1996 report by the Islamabad-based Human Development Center, only 16 women are economically active for every 100 men.

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 reason they kept their daughters from attending school, and sent their sons instead. Similarly, a study by the NWFP directorate of primary education concluded 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 a narrow interpretation of the Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes 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 has recommended that marriage registration (nikahnama) be made mandatory and that women, as well as men, have the right to initiate divorce proceedings. It also has called for the punishment of those who coerce women or girls into forced marriages. 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, to the age of 16. 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--the share of the inheritance they are legally due. In rural areas, the practice of a woman "marrying the Koran" still is 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 occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian--usually her father). In practice, however, social custom dictates that couples are to marry at the direction of family elders. When this custom is violated, especially across ethnic lines, violence against the couple may result. For example, the February marriage of a teenage Pathan girl to a Mohajir man in Karachi against her family's will led to large-scale ethnic riots in Karachi, the bringing of a kidnaping case against the groom, the shooting and serious injury of the groom in the courtroom, and numerous death threats against the groom and his family. On May 26, a woman in Karachi was killed by her father, Alauddin, for marrying a mechanic from his auto repair shop. In July in the NWFP, Hidayat Bibi and her husband were killed by her uncle after they eloped. In a well publicized case, Humaira Mahmood, daughter of a Punjab provincial assembly member, in 1997 married against the wishes of her father. Soon after her marriage, she was beaten severely by her brother and allegedly was forced to register a marriage to her cousin. In November she took refuge in a shelter for women in Karachi. Mahmood's brother and several Punjab policemen from her father's district kidnaped her from the home in December, with the acquiescence of Sindh police. Protests by women's groups led to the intervention of the governor and Mahmood's release from illegal detention to

Darul Aman, a government-run shelter for women. Mahmood's name, along with her husband's, was placed on the ECL, preventing them from leaving the country. At year's end, Mahmood was appealing the placement of her name on the ECL (also see Sections 1.d. and 2.d.).

The admissibility and value of women's testimony is limited in certain court cases (see section 1.e.).

Although a small number of women study and teach in universities, postgraduate employment opportunities largely remain 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 approximately 37,000 female rural health workers. The Government scrapped its goal of training and employing 100,000 female health workers by 1998 because it intended to improve the training of those already employed.

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. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. However, another study found that over 60 percent of school-age children in relatively wealthy Karachi do not attend school, indicating that the actual number of children in school may be far lower than previous studies indicated. 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."

Some progress has been made over the past several years in getting more girls 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. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to account for. 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.

The federal Government announced a new education policy on March 27, which dealt mostly with the construction of new schools but which included provisions for increased Islamic instruction in public schools. Education is a provincial responsibility under the Constitution. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused and the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGO's to improve primary and secondary education.

Health care services, like education, remained seriously inadequate for the nation's children. In this area, the government of Punjab also actively combated corruption, adopting private management techniques and working with NGO's to improve the quality of care.

Many children begin working at a very early age (see section 6.d.). At the age of 5 or 6, many female children assume responsibility for younger siblings.

Children sometimes are 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 frequently are abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. 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. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. A Human Rights Commission of Pakistan study in the NWFP found 723 cases of sexual abuse of boys and 635 of girls between January and June. Child prostitution involving boys and girls is widely known to exist but rarely is discussed. The NGO Shabab-i-Milli has launched a campaign to combat child prostitution by raising public awareness about the problem. The Commission of Inquiry for Women has 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.

Children's rights theoretically are 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 Bahawalpur--that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age and children frequently are incarcerated along with the general prison population. Many children in prison were born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults essentially are treated equally. An estimated 3,200 children are held in the nation's prisons, some

as young as 8 years old. In Punjab 1,508 children under age 18 were found in prison in an NGO survey, 16 of whom were below the age of 12. They often spend long periods of time in prison awaiting trial. One child spent 3 years and 4 months awaiting trial. Peshawar's jail contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. Federal Labor Minister Sheikh Rashid, a former political prisoner, arranged for the release of some 100 children held for vagrancy who could not meet bail.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions. On August 1, 14 children were found in fetters at a madrassah in Lahore. The principal of the madrassah, Gari Khadim Husain, was arrested, but was released when he claimed that the parents were responsible for the use of fetters. Syed Afzal Haider, a member of the Council of Islamic Ideology, has condemned the fettering of children. Sexual abuse of boys is widely believed to occur at some madrassahs.

People With Disabilities

There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of the physically and mentally disabled are cared for by their families. However, in some cases these individuals are forced into begging, while organized criminal "beggarmasters" skim off much of the proceeds. There have been allegations of exploitation of microcephalic persons at Jhelum, a Punjab town where such individuals are cared for at a local shrine. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs 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. This obligation rarely is enforced. A National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

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 persons who commit them.

Ahmadis are often targets of religious intolerance, much of it instigated by organized religious extremists. For example, in a July 11 sermon at a rally in Lahore, the head of the influential Tanzeem Islami organization, Israr Ahmed, stated that the Government and Muslims have a right to commit a "general massacre" of the Ahmadis, since they are heretics. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by mobs of 100 to 200 persons, the mullahs purportedly stride down the streets uttering diatribes against the 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 several killings of Ahmadis during the year to anti-Ahmadi extremists. Mohammad Ayub Azam was shot on July 7 in Wah, Punjab. Before he died in the hospital an hour

later, he reported that the killers asked if he was an Ahmadi before shooting him. On August 4, Malik Naseer, age 85, a retired police inspector, was killed in Vehari on his way to attend religious services. He was the leader of the Ahmadi community in Vehari, and Ahmadis believe he was killed for that reason.

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 in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. 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 also have 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 Mohammed.

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 occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (also see Section 2.c.). There are also restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

A local Muslim cleric and a mob destroyed a Christian church in Sheikhpura, Punjab in December 1997. The cleric objected to the construction of the building on land sold by his brother-in-law to a Christian group. On the night of January 26, three armed intruders killed Noor Alam, the Presbyterian Church of Pakistan pastor who led the building of the church. Police made no arrests for either the killing or the property destruction. Another cleric was arrested near Faisalabad on December 23 for pulling down a crucifix and a microphone set up in a Roman Catholic church for Christmas. The vandal was released quickly.

On November 18, nine members of a Christian family were killed and mutilated in their home in Nowshehra, in an attack that some Christians alleged was sectarian. On December 29 and 30, four family members were arrested and charged with the crime. They asserted their innocence to the press, but the investigation of the incident was closed by year's end.

Sectarian violence in the Punjab between Shi'a and Sunni extremist groups claimed the lives of 75 persons, including professionals, bureaucrats, and religious scholars who were targeted specifically. Indiscriminate shootings at religious gatherings, such as at the Mominpura graveyard in Lahore(see Section 2.c.), led to fear of general religious unrest. Press reports state that 130 persons were killed nationwide in sectarian violence from January to October.

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.

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 also may 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 politics, some are associated with political parties. Unions associated with opposition parties are allowed to carry on their activities freely.

In 1997 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. Late in 1997, the Prime Minister announced the Government's new investment policy, under which, in order to improve working relations among employees and employers, trade union activity would 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 are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The International Labor Organization (ILO) has stated repeatedly 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 with respect to teachers, and 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 ILO's conventions. However, no legislative remedies have been applied.

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. 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. In 1997 the Prime Minister and trade union representatives agreed to establish a committee to examine the labor laws and draft legislation to bring them into conformity with ILO conventions and the national Constitution. No concrete action has yet been taken by this committee.

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

The United States revoked generalized system of preferences (GSP) trade benefits in 1996 for failure to make progress on worker rights issues.

b. The Right to Organize and Bargain Collectively

The right of industrial workers to organize and to freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers.

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, to bargain collectively, or to make demands on employers. The National Bank of Pakistan Employees Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials.

The ESA also restricts collective bargaining. For each industry subject to the ESA (see Section 6.a.), 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 generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESA. Dismissed workers have no recourse to the labor courts.

The ESA exempts export promotion zones (EPZ's) from the IRO's provision granting workers the right to form trade unions. Only one EPZ currently exists, in Karachi. Fewer than 6,000 persons are employed there, according to government sources.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced labor, including forced labor by children, however, the Government does not enforce this prohibition effectively. Critics argue that the ESA's limitation on some worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited these services to a few, e.g., electricity generation and distribution, air and sea ports, etc.

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 reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. Conservative estimates put the number of bonded workers at several million.

The Constitution and the law prohibit slavery. However, in the remote areas of rural Sindh 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. In one case, a Sindh landlord kidnaped over 100 of his former bonded laborers on September 9, but was compelled to free them after intervention by NGO's and the government of Sindh province (see Section 1.c.).

Children sometimes are kidnaped to be used as forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 years (about 8 percent of this population group) are "economically active." Of these, about two-thirds work in agriculture. 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 the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991, whose provisions were extended by the President on November 20 to the FATA, 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. The Government acknowledges that child labor is a problem. The Constitution prohibits forced labor, including forced labor performed by children. However, forced and bonded labor by children is common (see Section 6.c.).

In 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 work. The child labor force is predominately male (73 percent) and predominately rural (71 percent). About 60 percent of child labor in the country occurs 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 accounts 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, with high-range estimates of as many as 20 million child laborers.

Child labor is widely employed in the carpet industry, much of which is family-run. Carpet manufacturers are working with ILO/IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Other export sectors, notably surgical equipment and sporting goods, 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 still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies have been performed on this issue.

In October 1997, soccer ball manufacturers, importers, the ILO, and UNICEF implemented an 18-month action plan agreed upon in February 1997 (the Atlanta Agreement) to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitored the production of soccer balls at newly established stitching

centers, and had set up 154 rehabilitation centers for the education of former child laborers and their younger siblings by October. The project also sought to identify unemployed adults from the families of former child stitchers to take up stitching work and replace lost income. By October, 50 percent of production was verified as having moved to monitored stitching centers. Women have been reluctant to move from their homes to stitching centers. The project is working to establish small home-based stitching centers in individual villages to counter this unwillingness to travel to work, and some 80 village-based stitching centers had been set up for women as of October. By year's end, approximately 5,400 children had been removed from the industry.

Under a memorandum of understanding with the Government, the ILO/IPEC program in Pakistan is involved with a number of other projects concerning child labor. The ILO works with the Government, employers, workers, and NGO's in pursuing a national policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-u-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers. In December, the ILO and the Swiss Agency for Development and Cooperation launched a large scale project to combat child labor in the NWFP.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. The Punjab labor department carried out a child labor training program for all of its inspectors during the year. Hundreds of convictions are obtained each year for violations of child labor laws, but the fines levied by the courts (ranging from an average of \$7 (PRs 350) in the NWFP to an average of \$140 (PRs 7,000) in Balochistan) do not serve as a significant deterrent. The 1991 Employment of Children Act allows for fines of up to \$350 (PRs 17,500).

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. At year's end, the CCF Board was still in the process of developing a child labor monitoring system.

e. Acceptable Conditions of Work

Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is approximately \$38 (PRs 1,950) per month, with only slightly higher minimum rates for skilled workers. Although this wage provides a subsistence living for a small family, the minimum wages practically apply only to the formal sector of the economy, and do not affect agricultural workers. The minimum wage is usually inadequate to provide a decent standard of living to support workers and their families, since families tend to be 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 that protected 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. However, the government of Punjab has enhanced its activities, particularly in regard to bonded and child labor. 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.