

# PAKISTAN

## **1999 Country Reports on Human Rights Practices Released by the Bureau of Democracy, Human Rights, and Labor U.S. Department of State, February 25, 2000**

For most of the year, Pakistan was an Islamic republic with a democratic political system; however, on October 12, the elected civilian government of Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. General Musharraf, in consultation with senior military commanders, designated himself Chief Executive, and suspended the Constitution, the National Assembly, the Senate, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. Prior to the coup, the Prime Minister, selected by a majority within a popularly elected Parliament, had wide constitutional power. The Pakistan Muslim League (PML) Government of Prime Minister Nawaz Sharif, which came to power in February 1997 with a two-thirds Parliamentary majority, passed constitutional amendments (the 13th and 14th) in 1998, which enhanced the power of the Prime Minister by removing the power of the President to dismiss the Government at his discretion and banning 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 of these changes, the Sharif Government had greater power than any of its predecessors since the return of formal democracy in 1988. However, the military continued to exercise considerable influence over decision-making. The power of the Government 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 provided for an independent judiciary; however, it was subject to executive branch influence. Nonetheless, the Supreme Court demonstrated a continued degree of independence on a number of occasions prior to the coup. Corruption and inefficiency are problems in all branches.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and Frontier Constabulary, provide support in areas where law and order problems are 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. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings as part of the Musharraf regime's accountability efforts. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth. 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 has 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 poor human rights record deteriorated under the Sharif Government, and there were serious problems in several areas; however, the situation worsened with the seizure of power by General Musharraf, in that after the coup, citizens no longer had the right to change their government peacefully. Despite attempts to reform and to professionalize the police, both before and after the coup 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 Sharif Government 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 were put on trial; however, former Prime Minister Benazir Bhutto and her husband were convicted on corruption charges in April. Bhutto was sentenced to 5 years in prison, disqualified from holding public office, and fined. The Musharraf regime used arbitrary detention, including incommunicado detention, against political figures from the Sharif Government and their families; and the Musharraf regime's anti-corruption campaign violated due process. Case backlogs under both Governments led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside 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 instances prior to the coup in which the Supreme Court showed a continued degree of independence. While in February 1998 the Sharif Government ceased using military courts to try certain civilian cases at the demand of the Supreme Court, special antiterrorism courts expanded their jurisdiction to include murder, gang rape, child molestation, and "illegal" strikes. These courts are authorized to try terrorists swiftly, and those convicted may appeal only to a higher military court. In October 1998, the National Assembly voted for a 15th constitutional amendment, which would oblige the Government to enforce Shari'a (Islamic law). However, the Senate did not vote on the measure before it was

suspended by the Musharraf regime in October. Both the Sharif Government and the Musharraf Government infringed on citizen's privacy rights. Although the press continued to publish relatively freely, the Sharif Government used its large advertising budget to influence content, journalists practiced self-censorship, the broadcast media remain a closely controlled government monopoly, and the Sharif Government made several attempts to curb press criticism. In particular, the Sharif Government continued its actions against the Jang newspaper group and jailed and harassed prominent journalists such as Friday Times editor Najam Sethi. The Musharraf regime appeared to cease direct attempts to manage the press, which were common under the Sharif Government. The Sharif Government imposed limits on the freedom of assembly. Although it allowed a number of large-scale, antigovernment demonstrations to take place, it also pre

Significant numbers of women were subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. The Government failed to take action in a high profile "honor killing" case and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, prostitution, and trafficking remained problems. Female children still lag far behind boys in education, health care, and other social benefits. There was considerable discrimination against religious minorities. Both Governments as well as sectarian groups continued to discriminate against religious minorities, particularly Ahmadis and Christians. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. Debt slavery persisted. The use of child labor remained widespread, although it now generally is 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.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir, and continued until July. Regular Pakistani forces were also involved in the conflict. Civilians were killed on both sides of the line of control during the conflict, and tens of thousands of persons were displaced on both sides of the line of control.

## **RESPECT FOR HUMAN RIGHTS**

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

### **a. Political and Other Extrajudicial Killing**

Police committed extrajudicial killings. 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. Police officials generally insist that these deaths occur during attempts at escape or at resisting arrest; family members and the press insist that many of these deaths are staged. Police have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on the Prime Minister's life in early January, as many as 40 Sunni extremists associated with the Lashkar-i-Jhangvi, the group believed responsible, may have been killed in police encounters. The Human Rights

Commission of Pakistan (HRCP) estimates that there were 161 extrajudicial killings in the first 4 months of the year. In March the Sindh Home Department conceded that at least two incidents since imposition of Governor's Rule resulted in extrajudicial deaths. Press reports note that in Punjab alone 265 individuals were killed in 182 encounters with police between January and June. The Urdu daily newspaper Khabrain reported on December 6 that there were 285 police encounters in Punjab in the first 10 months of the year and that 357 persons lost their lives. In October there were reports of police encounter killings of members of the Sipah-e-Sahaba Pakistan (SSP) and the Lashkar-i-Jhangvi by the police in Punjab, following a wave of sectarian violence in the province (see Section 2.c.). Estimates of SSP and Lashkar-i-Jhangvi members killed by police in this manner range from 16 to 40 persons. 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 given 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. Punjabi police killed Tahir Prince on February 10. Following the filing of a writ by the victim's mother, the Lahore High Court ordered registration of a case against the police officers involved; however, no departmental action has been taken. In general police continued to commit such killings with impunity.

Following the coup in October, a number of police officials were charged or sanctioned for extrajudicial killings. On December 2, the Lahore High Court ordered the registration of cases against the Deputy Inspector General (DIG) of Police Sarghoda Range and six other police officers in the April 5 killing of two Sarghoda residents. The residents reportedly were mistaken for a Lashkar-i-Jhangvi member and killed in a police encounter. On December 7, the Punjab Chief Secretary announced that three senior Lahore-based police officials would be removed following the killing of a suspect in police custody. The suspect was charged in connection with a series of killings of children in Lahore. One police sub-inspector was sentenced to death during the year in the 1997 killing of Iraqi Noel, whom the police officer had taken into custody.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. For example, Punjab police officers killed activists of the extremist sectarian organization Lashkar-i-Jhangvi, which was implicated in an attempt to kill the Prime Minister in January. During the year, three individuals charged with attempting to assassinate the Prime Minister in January were killed in police custody during an alleged escape attempt. As of August, 21 activists from this organization were killed in police encounters, according to press accounts and the Human Rights Commission of Pakistan.

The Muttahida Quami Movement (MQM), an opposition party that has demonstrated a willingness to use violence to further its objectives, claimed that its adherents were being targeted specifically by the police for extrajudicial killings. 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. The MQM presently is 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. 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 been at odds with successive governments. In March MQM Senator Aftab Sheikh accused the Sindh police, the paramilitary Rangers, and Government intelligence agencies of abducting two MQM members--Farid and Shamim--and killing them in custody; the two reportedly were handcuffed when killed. In July London-based MQM chief Altaf Hussain accused the Karachi police of killing Mohammed Shahid after his arrest. Altaf Hussain also claimed in July that 14 MQM workers were killed extrajudicially since the imposition of Governor's Rule. In a July report, the MQM listed 10 persons, mostly MQM activists, killed in extrajudicial incidents by Karachi police between October 1998 and March. In September MQM activist Rehan Bandhani died in police custody. According to the daily newspaper The News, the police initially argued that Bandhani had died of a heart attack, but a police officer later was charged with unintentional murder. On September 7, two MQM activists were killed in an encounter with police; police officials stated that the two men shot first, but witnesses claim that the two were taken, unarmed, from their homes and shot by police in a nearby field.

In NWFP the family of a notorious criminal known as "Shaitan" accused police of killing him in custody on May 9. The NWFP government has taken no action; however, the government of the NWFP set up a committee of inquiry to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in custody of the Peshawar police on July 18. In 1998, Awais Akram, Arbab Yousah, and Abbas died while in police custody; in all three cases police officers were charged in connection with the deaths, but no information was available as the disposition of the cases at year's end. Ghulam Jillani, a 14-year-old boy, died while in police custody in Manshera in May 1998. Then NWFP Chief Minister Sardar Mehtab Ahmed Khan dismissed the entire staff of the police station involved. The Abbottabad session judge led a committee of inquiry that investigated the incident; the committee held the Station House Officer and the staff of the police station responsible for Jillani's death. At year's end, the officers involved were appealing the decision.

The Sharif Government also used lethal force against political opponents and underground organizations.

Politically motivated violence and sectarian violence continued to be a problem, although in the weeks following the October 12 coup there were few if any reported cases of such violence. Governor's Rule, imposed to correct a serious law and order problem created in part by political tensions in the province, continued in Sindh until the coup. Despite improved security conditions under Governor's Rule, there were 75 deaths that were presumed to be the result of political violence in Karachi. Terrorist incidents were frequent in the Punjab. On January 3, four persons were killed and

several were injured when a bomb placed under a bridge outside of Lahore exploded. The bombing occurred approximately 1 hour before Prime Minister Sharif was to have crossed the bridge, and was believed to be an assassination attempt. Two members of the Lashkar-i-Jhangvi extremist group were arrested in connection with the blast later that month. According to press reports, on May 24, at least 10 persons were reportedly killed by an explosion near a market in Daska, Punjab. There were several other bombings during the year, some of which resulted in deaths. The perpetrators of most such bombings were unknown at year's end. In 1998, there were several bombings in which persons were killed. At year's end, it was not known who carried out these bombings.

Women were killed by family members in so-called "honor killings." On April 6, Samia Imran, who sought a divorce against the wishes of her husband and family, was shot and killed in the Lahore office of lawyer Hina Jilani by a man accompanying her mother. The gunman and the victim's mother fled after the killing. The gunman later was shot and killed by police. Three members of Imran's family--her father, mother, and uncle--were charged in connection with her killing. However, by year's end, the three remained at large (see Section 5.).

There was extensive religious violence, particularly between rival Sunni and Shi'a organizations, with 1 newspaper estimating that 300 persons were killed in sectarian attacks during the last 2 years (see Sections 2.c. and 5).

On January 12, in Peshawar, the wife and son of well-known Afghan moderate Abdul Haq were shot and killed in their sleep by unknown assailants. A guard also was killed in the attack. Haq was well known for his efforts to promote an intra-Afghan dialog; his brother was a former governor in Afghanistan who has joined forces with Ahmad Shah Masood against the Taliban. On March 27, Mohammed Jehanzeb, the secretary of Abdul Haq's brother (and Taliban opponent) Haji Qadir, was shot and killed by unknown assailants in Peshawar. On July 14 former Afghan senator Abdul Ahad Karzai was shot and killed by two gunmen while returning home from prayers at a local mosque in Quetta. Between January 1998 and January 1999, it was estimated that up to 12 Afghan moderates or former members of the Communist Party were killed by unknown assailants (see Section 2.d.). Among those reported killed were Dagarwal Basir, General Nazar Mohammed, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha, and General Rahim. To date, there have been no arrests or convictions in connection with these killings.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir. Regular Pakistani forces also were involved in this engagement, which did not end until Pakistani forces withdrew in July. Tension along the line of control was high during this period, and there was shelling in several sectors. On June 10, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an invitation to do an autopsy. A senior police official in Pakistan-controlled Kashmir estimated that approximately 40 civilians were killed on the Pakistani side of the line of control.

## **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; however, the incidence of such crimes decreased greatly during year.

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

The Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports during the year than in previous years, particularly in Sindh after the coup, and human rights organizations reported greater cooperation from the police in investigating such cases than in previous years. 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 of persons in custody occurs throughout the country. Police tortured or mistreated prisoners considered to be opponents or critics of the Sharif Government. On January 4, Senator Aftab Sheikh and other MQM officials visited two MQM members of the provincial assembly at Karachi central prison, including former Labor Minister Shoaib Bukhari. The parliamentarians accused the police of torturing and humiliating them for 10 days after their arrest on November 20, 1998. The prisoners claimed that they had been struck with rifle butts, slapped, stripped naked, and forced to stand continuously for up to 36 hours. Seventy prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. Family members alleged that they also often had been beaten in raids, and that relatives had been taken as hostage for those whom the police sought.

Opposition leader Hussain Haqqani alleged that he was tortured, beaten, and subjected to psychological abuse during his incarceration by the Intelligence Bureau between May 4 and May 7. Haqqani was arrested on previous dormant corruption charges; he claimed that this was a pretext for his arrest. Records of a medical examination conducted by the High Court after Haqqani's interrogation subsequently were "lost" by authorities. Haqqani was transferred to the Federal Investigative Agency (FIA) on May 7, but remained incarcerated for 21/2 months. During the May 8 arrest of journalist Najam Sethi, Sethi's wife reportedly was tied up by police (see Section 2.a.).

In May Asif Zardari, husband of former Pakistan People's Party (PPP) Prime Minister Benazir Bhutto, was taken from prison to a police interrogation center in Karachi, where he was kept awake for 4 days, beaten, and cut with knives. On May 19, he was taken to a hospital for treatment. Observers doubted police claims that cuts on his neck were the result of a suicide attempt. In August the secretary general of the

Inter-Parliamentary Union (IPU) noted in a public statement that the IPU was "alarmed" over the alleged torture of Zardari.

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 Government in introducing the 15th Amendment designed to enforce Shari'a law throughout the country in 1998.

The 1997 Anti-Terrorism Act 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 commonly is 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 in 1998 invalidated this and other sections of the Anti-Terrorist Act.

Due to greater scrutiny by NGO's and the media, as well as a program of prison inspections in the Punjab, the incidence of torture and abuse may be decreasing in prisons. In Karachi human rights groups are active in particular cases and the Citizens Police Liaison Committee (CPLC) has been effective in bringing cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and demotion or fines for 1,226 during the 9 months between November 1998 and July 1999.

Corruption is an endemic problem among local police officers. 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. In 1998 300 new SHO's recruited on merit were 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 killed senior police officers that were trying to inhibit their corruption), and observers question whether their replacement is feasible.

It is accepted commonly, 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 May 1999, the Human Rights Commission of Pakistan found 11 cases of violence, rape, or torture of women while in police custody. In August 1998, "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; the disposition of the case was unknown at year's end. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards is reportedly a problem as well.

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 Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for some other crimes. These severe 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 20 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 in 1998 were 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 has 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. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. In February police forcibly dispersed a demonstration in Lahore staged by the Jamaat-i-Islami. Police with batons charged demonstrators and fired tear gas shells into the party's Lahore offices. On September 11, police reportedly used force to break up a demonstration by a coalition of opposition groups in Karachi, and the headquarters of two major opposition parties, the MQM and the PPP, reportedly were damaged. On September 12, police used water cannons, teargas, and sticks to break up a PPP-organized sit-in in Karachi. In mid-October, the press reported that police used force to break up a rally in support of former Prime Minister Nawaz Sharif; more than one dozen protestors reportedly were arrested in Karachi on October 14. On December 11, police used force to disperse a demonstration in Lahore that was held to protest the handling of a serial murder case by the police. Police charged the crowd, beat persons with batons, and arrested 30 persons.

Police at times also beat and arrested journalists. For example, during a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd.

Police authorities failed in some instances to protect members of religious minorities--particularly Ahmadis and Christians-- from societal attacks (see Section 5).

On January 3, several persons were injured when a bomb placed under a bridge outside of Lahore exploded, in what was believed to be an assassination attempt against Prime Minister Nawaz Sharif (see Section 1.a.). On September 6, an explosion in a madrassah in Karachi injured more than 20 persons; those injured had rushed to the scene of a previous explosion, in which there were no injuries. On April 17, unidentified men threw small explosives at the home of the Army Corps Commander in Peshawar, injuring five guards. On November 12, a series of rocket attacks in Islamabad injured one person. There were several other bombings during the year, some of which resulted in injuries. The perpetrators of most such bombings were unknown at year's end.

Prison conditions are extremely poor. Overcrowding is a major problem. According to the Human Rights Commission of Pakistan (HRCP), there are currently 82,000 prisoners in Pakistani jails, which have an officially authorized population of 35,833; most prisoners are held in severely overcrowded conditions. In September an investigative reporter for The Nation visited Adiala jail in Rawalpindi. According to the reporter, the prison currently holds 4,277 prisoners but was built for 2,000. A press survey in July revealed that the 16 jails of Sindh province, with a total capacity of 7,769 prisoners, were actually housing over 14,000. Karachi central prison is the most overcrowded, with a population of 4,460 prisoners and a capacity for only 991; only 2 toilets are available for each 100 prisoners in the lowest classification of cells. The HRCP claims that the Lahore district jail, built to house 1,045 prisoners, contains

3,200. The Punjab Home Department admitted before the Lahore High Court in July that over 50,000 prisoners were being held in Punjabi jails meant for 17,271. The department claimed that it had plans on the books to build new jails in 22 district and subdivisional headquarters, but that the work had been delayed by financial constraints. Some 80 percent of prisoners are "awaiting trial," mostly for petty offenses.

Prisoners in jail routinely are shackled. The principal of the institute for jail staff training in Lahore admitted in a July press interview that fettering is the most convenient way of administering an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment is usually given for administrative convenience, or to extract bribes from prisoners. (The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases.) Although the Sindh High Court ruled the practice illegal in 1993, the practice continues, and outside observers visiting Sindh jails regularly see fettered prisoners.

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. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. In 1998, 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 1 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. Access to medical care is a problem. 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 (see Section 1.d.).

On June 10, during the Kargil conflict, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an invitation to do an autopsy (see Section 1.a.).

#### **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 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 then another FIR is 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 detained arbitrarily 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.

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. In 1998 the Human Rights Commission of Pakistan estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April. In 62 Lahore city courts, 7,000 prisoners are awaiting trial in 6,000 cases. In 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. In 1997 the Government justified the creation of antiterrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.).

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 2 years for his trial on charges of killing his brother-in-law, Murtaza Bhutto, to begin. Charges were first filed against Zardari in July 1997 and transferred successively to two different courts, where several judges refused to preside. To date only 2 of 223 witnesses have been heard.

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, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain 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. Roman Ali, arrested in 1993 at the age of 12 for his fugitive elder brother's crimes, was sentenced to a long prison term in 1994. In 1996, a petition against this sentence in the Peshawar High Court was dismissed. During the year, Ali's appeal to the Secretary of the Home Department was denied, and his appeal to the Supreme Court was not heard due to the Court's lack of jurisdiction over the case.

The Government sometimes uses mass arrests to quell possible civil unrest. In April approximately 600 PPP members were arrested prior to a planned May 1 demonstration in Islamabad against former prime minister Benazir Bhutto's April conviction on corruption charges and disqualification from holding public office. Most were released on May 2. Early on July 28, police tore down antigovernment posters and arrested MQM legislators and activists to halt a peaceful hunger strike being conducted in front of the Karachi Press Club. Most of those arrested were released quickly, and the protest was resumed a few hours later. In August and September, police arrested as many as 2,500 activists from the PPP and the Muttahida Quami Movement in Karachi and other parts of Sindh province in anticipation of a September 4 opposition rally. Several hundred more, including several senior opposition leaders and parliamentarians, were arrested several days later prior to an opposition demonstration in Karachi. On September 11, police reportedly used force to end a demonstration by a coalition of opposition groups in Karachi; police publicly reported arresting 107 persons in connection with the demonstration, but other reliable estimates place the number arrested at 600 or more. Police detained hundreds of MQM and PPP activists and senior leaders prior to a banned opposition march planned for September 25, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days (see Section 2.b.) until her release on September 29. Also in September, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. Rehman previously had traveled frequently to the region to attend rallies, which are prohibited in the tribal areas. Rehman was released after 3 days (see Sections 2.a., 2.b., and 2.d.). In early October, hundreds of religious extremists, including the leader of the Sipah-e-Sahaba Pakistan, Maulana Muhammad Azam Tariq, and SSP branch president Maulana Mohammad Ahmad Ludhianvi, were arrested after a wave of sectarian violence broke out in Punjab and Sindh. However, since the coup, there have been reports that arrests of political activists have decreased.

The Sharif Government's "accountability cell," which ostensibly was created to uncover corruption in an evenhanded manner, was headed by a close associate of the Prime Minister, Senator Saifur Rehman, and conducted politically driven investigations of, and campaigns of vilification against, opposition politicians, senior civil servants, and business figures. These investigations were designed to extract evidence and in some cases, the televised confessions of alleged wrongdoers.

Rehman may have arranged for the arrest of Hussain Haqqani and Najam Sethi (see Section 2.a.). However, before the coup, most politicians and bureaucrats who had been charged with corruption or other crimes were out on bail. In 1998, authorities arrested and questioned the wife and daughter of former Pakistan Steel executive Usman Farooqi in an attempt to pressure the already-imprisoned Farooqi. At year's end, Farooqi remained in detention. In 1998 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 July 1998, the Lahore High Court ruled that this approach was invalid.

In several high-profile arrests of Sharif Government critics, the police or intelligence services entered homes and arrested individuals without warrants or due process and held them for periods of days or weeks. On May 4, Intelligence Bureau officials arrested opposition leader and journalist Hussain Haqqani without a warrant and held him incommunicado until May 7 without filing charges (see Section 1.c.). On May 8, approximately 30 policemen broke into Friday Times editor Najam Sethi's home, beat him, tied up his wife, destroyed property, and took Sethi away without warrant. According to press reports, Sethi was interrogated by the intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and denied access to an attorney (see Section 2.a.).

On occasion, persons are detained arbitrarily because of disputes with powerful or well-connected persons. On January 28, Humaira Mahmood and her husband Mahmood Butt were detained without a warrant by Punjab police at the Karachi airport (in Sindh province), as they were trying to leave the country. Mahmood Butt's mother was also detained. In 1997 the couple had married against the wishes of Humaira's father, Abbas Khokar, a member of the Punjab Provincial Assembly (see Section 5). Mahmood and her husband reportedly were taken separately to Lahore, where they were detained separately and were beaten in an attempt to force them to renounce their marriage. On February 1, the pair appeared in court in Lahore. After the hearing, Mahmood Butt and his mother were released by court order; Humaira was released by court order on February 18.

The Musharraf Government detained without a warrant and without charge several dozen political figures, military officers, government administrators, and Sharif family members following the October 12 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif; most of the Cabinet; several senior advisors to the Prime Minister or to the Government; and a number of military and police officials were arrested or placed under house arrest immediately following the coup. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court on November 18. Most others were released within a few days; however, at year's end, 32 were estimated to remain in custody. Many of those arrested immediately after the coup were held incommunicado. Former Prime Minister Nawaz Sharif and his brother, former Punjab chief minister Shahbaz Sharif, were held incommunicado in Chaklala, Rawalpindi; many other Sharif family members were held with limited outside contact in "protective custody" in the Sharif estate outside of Lahore following the coup. The oldest son of Nawaz Sharif, Hussain Sharif, reportedly was held incommunicado, except for one occasion on which he was allowed access to counsel, in solitary confinement from October 12 until a court-ordered visit with his wife on December 11. Other Sharif family members still in detention at year's end included Nawaz Sharif's father Mian Mohammad Sharif; his

brother Abbas Sharif; his son-in-law Captain Safdar; his nephew Hamza Shahbaz (son of Shahbaz Sharif), and his brother-in-law Chaudhry Sher Ali. Former Information Minister Mushahid Hussain was kept in "protective custody," along with his family, at his residence in Islamabad from October 12 until December 14, when he was removed by military officers from his home and taken to a government guest house in Islamabad. He then was held incommunicado by the military until December 24, when he was allowed to meet with his family under a court order.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were being held in connection with the "hijacking" of General Musharraf's airplane on October 12. On that day, General Musharraf was returning from a conference in Sri Lanka, and the commercial aircraft in which he was flying initially was denied permission to land in Karachi, purportedly under orders from Prime Minister Sharif. This event, along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, Khawaja Ziauddin, led to the coup. Military officers took over the airport in Karachi and allowed Musharraf's airplane to land. In the weeks following Sharif's arrest, he was detained without charge and was denied access to counsel and to family members (See Sections 1.d. and 1.e.). A First Incident Report was not filed in the case until November 10. The FIR charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines (PIA) chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an antiterrorism court. Nawaz Sharif was formally arrested and remanded to police custody only after being brought to Karachi on November 18. On November 19, Sharif first appeared in an antiterrorism court in Karachi. On November 26, three other individuals--former Punjab chief minister Shahbaz Sharif, former Senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi--were named codefendants in the case. Sharif complained of "inhumane" treatment during his incarceration, including being held incommunicado in a cramped cell. On November 29, the judge in the case ordered him transferred to an "A" class cell. Following changes in the Antiterrorism Act (see Section 1.e.), the formal filing of charges (challan) against Nawaz Sharif occurred on December 8. Nawaz Sharif and his brother Shahbaz Sharif were paroled briefly on December 15 and flown by the authorities to Lahore, the day after the death of Nawaz Sharif's mother-in-law.

Although many of those detained immediately following the coup were released in the days afterwards or subsequently were charged through the court system, several individuals remained in custody without charge. As of year's end, former ministers Muhammed Ishaq Dar, Sayed Mushahid Hussain, and Chaudry Nisar Ali Khan; former Director General of the Inter-Services Intelligence Bureau Khawaja Ziauddin; Mujibur Rehman, brother of Saifur Rehman; former Director General of the Federal Investigative Agency Mohammed Mushtaq; and several other officials and members of Parliament or provincial assemblies apparently still were detained without charge.

Private 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 for many years. In the five districts of upper Sindh, landlords have been defying the courts and police by holding tribal jirgas, which settle feuds and award fines as well as the death penalty--even in jails--in defiance of provincial laws. The Human

Rights Commission of Pakistan and the district administration in Umerkot, Sindh, attempted in April to the release of a family of agricultural workers from their landlord's private jail in Kunri. A member of the family, Mangal Bheel, escaped from the prison in January, and approached authorities for help.

**The Government does not use forced exile.**

#### **e. Denial of Fair Public Trial**

Until the October coup, the Constitution provided for an independent judiciary; however, in practice, the judiciary was subject to political influence under the Sharif Government. A series of events in 1997 led to serious concerns about the prestige and independence of the judiciary under the Sharif Government. However, under Sharif the Supreme Court demonstrated a continued degree of independence on a number of occasions. For example, the Supreme Court ruled in February that the military courts used to try certain civilian cases were unconstitutional. After the coup, the Musharraf regime pledged to respect the independence of the judicial system, despite having suspended the Constitution; however, Provisional Constitution Order Number 1, issued on October 14, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority, thereby effectively removing the actions of the Musharraf regime from judicial oversight. However, by year's end the Musharraf regime had not acted to limit the judiciary. On November 15, PML legislator Zafar Ali Shah filed a petition with the Supreme Court challenging the October 12 coup. At year's end, the Supreme Court was scheduled to hear arguments about the legality of the military takeover on January 31, 2000. Under both Governments low salaries, inadequate resources, heavy workloads, and corruption contribute to judicial inefficiency, particularly in the lower courts.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics and antiterrorist cases, as well as the federal Shariat Court 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.

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. In response to this problem, the Sharif Government passed the Anti-Terrorist Act in 1997; special antiterrorist courts began operation in August 1997. 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 in 1998. 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, but judges are free to extend the period of time as conditions require. Trials in absentia were permitted, then subsequently

prohibited in October 1998. 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 which these time limits do not apply. Under the Antiterrorist 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 was held in a "C" class cell from March 1997 until his release in June.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect 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 killings, 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.

In November 1998, Prime Minister Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. 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 in December 1998. In January the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional antiterrorist courts; however, it allowed the sentences already handed down by the military courts to stand. The antiterrorist courts were to operate under the supervision of two Supreme Court justices, and both courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. In response, on April 27, the Sharif Government promulgated an ordinance transferring cases from military trial courts to antiterrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. Various "civil commotion" offenses (including writing graffiti and putting up wall posters) also were added to the jurisdiction of the antiterrorist courts. In August the Sharif Government again promulgated the April antiterrorism ordinance but dropped the injunctions against graffiti and wall posters. The April ordinance made strikes and go-slows illegal as "civil commotion" offenses; both were punishable by incarceration and fine (see Section 2.b. and Section 6). Prior to August, some opposition leaders and members of the human rights community feared that the "civil commotion" offenses would be used to suppress political dissent. In the first 7 months of the year, the military trial courts, which operated until mid-February, sentenced two persons to death in Sindh, and antiterrorism courts subsequently sentenced 42 persons to death in the same province. Two of the sentences have been carried out and the rest are on appeal. On December 2, the

Musharraf Government again modified the ATA provisions, by adding a number of additional offenses to the ATA, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnaping or abduction to confine a person. By ordinance the Musharraf regime created a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer...any case pending before any other special court...and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to assist the Musharraf regime with its prosecution of Sharif.

The Musharraf regime also established special courts to deal with "accountability," or corruption, cases. On November 16, the Musharraf regime created by ordinance a National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance allows those suspected of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that it is estimated is owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. It was believed that many wealthy and politically well connected persons had taken out bank loans over the years with no intention of repaying them. The NAB has stated that it would not target genuine business failures or small defaulters and does not appear to have done so. In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. According to unconfirmed press reports, the Musharraf regime made an informal decision that the military and the judiciary would not fall under the jurisdiction of the NAB. The Musharraf regime denied this. However, by year's end, no serving members of the military or the judiciary have been charged by the NAB. On November 17, the day after General Musharraf's well-publicized 4-week grace period to repay loans expired, the military began arresting those suspected of defaulting on bank loans. Persons were arrested throughout the country on default or corruption charges; by year's end, it was estimated that at least 100 persons may have been arrested on charges of defaulting on bank loans or corruption. Those arrested were prominent persons, from across the business and political spectrums; some were also retired military personnel and government bureaucrats. Those included on a published list of persons charged with corruption by the NAB included deposed Prime Minister Nawaz Sharif and former Prime Minister Benazir Bhutto. On December 27, former Punjab chief minister Arif Nakai was disqualified from holding office for 21 years, after he admitted on December 18 that he took approximately \$37,000 (PRs 1.9 million) from official accounts to finance his family's travel to Saudi Arabia. Nakai repaid the amount to the NAB. Some persons expressed concern over the concentration of power in the NAB, the fact that the NAB chairman is a member of the military, and the presumption of guilt imposed on those tried for corruption.

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 thus they are 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 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. In two areas of NWFP--Malakand and Kohistan--Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance into law; Shari'a law now applies in Kohistan (see Section 2.c.).

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. 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.

On June 11, 16-year-old Mohammad Saleem was convicted by an antiterrorist court of killing three police officers; however, Saleem was tried and acquitted of the same charges by a court in January on the grounds of insufficient evidence and lack of a motive.

On August 21, two MQM members, Mohammed Saleem and Ahmed Saeed, were convicted in an antiterrorist court of the 1997 killings of two foreign employees of Union Texas Petroleum and their driver. The two were sentenced to death, as well as to and approximately \$40,000 (PRs 2 million) in fines. Many questioned the fairness of the trial, since the convictions were based largely on the confessions of the accused; the confessions later were retracted on the grounds that they were obtained by the police through the use of torture.

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. During the year, there were approximately 125,000 cases pending. 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.

Press reports in July noted that hundreds of prisoners remained in the Karachi central prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of under-trial prisoners in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in 1 block discovered that 18 out of 110 prisoners, or 16 percent, were not represented by attorneys. As of March, 6,000 cases were awaiting trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

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; however, the Penal Code's provision for Diyat occasionally is applied, particularly in the NWFP, 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 kills 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. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 individuals still in prison after the completion of their jail terms because they could not pay the Diyat. The HRCP made public the case of one such convict, Noshieran 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, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to a rape or there are four adult male Muslim witnesses to the act, the accused rapist must be stoned to death; if the accused rapist is not Muslim and/or married, if he confesses, or if the act is witnessed by 4 adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the Court may deem fit in the case. The testimony

of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd requirements, then the accused may be sentenced to a lesser class of penalties (Tazir); since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level of evidence and sentencing (under which a rapist may be sentenced to up to 25 years in prison and 30 lashes). No Hadd punishment has ever been applied in the 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one 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 (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. For example, in May a local "jirga," or council, sentenced a man to death in Mohmand agency for the killing of relatives. The council also expelled the man's brother from the area. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment.

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 Samia Imran case (see Section 5), in which a woman seeking a divorce against the wishes of her husband and family was shot and killed in April in the office of lawyer Hina Jilani, apparently at the behest of her family.

There are limited numbers of political prisoners. Certain sections of the Penal Code directly target members of the Ahmadi faith. Since they were adopted, Ahmadis incarcerated under these provisions number approximately 200, according to Ahmadi sources. A number of minority religious groups argue that other sections of the Penal Code--particularly the related blasphemy laws--are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 61 of their coreligionists were charged in criminal cases "on a religious basis" as of August (see Section 2.c. and Section 5).

Some political groups also argue that they are marked for arrest based on their political affiliation. The Muttahida Quami Movement, in particular, has argued that the Sharif Government has used antiterrorist court convictions in Sindh to silence its activists. f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government infringes on citizen's privacy rights. The Anti-Terrorist Act 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. While the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April. 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. In late September, the family members of persons sought by the police in connection with a banned opposition march reported forcible, warrantless searches of their homes (see Section 2.b.).

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 1998 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 entire families in order to force a relative who was the subject of an arrest warrant to surrender (see Section 1.d.). In September two adult children of opposition party leaders were arrested in Karachi when police could not locate their parents in a sweep conducted by police prior to a planned opposition march (see Section 2.b.).

While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families in efforts to prevent marriages entered into without the consent of the families involved. For example, between December 1998 and February, Punjabi police attempted to stop Humaira Mahmood and her husband Mahmood Butt from living together as man and wife. The couple were married legally in 1997, but Humaira's father, Abbas Khokar, a member of the Punjab provincial assembly, did not approve of the marriage and enlisted the police to help him prevent the pair from living together once he discovered the marriage had taken place (see Section 5). In July police in Kot Ghulam Mohammed (Mirpurkas

district, Sindh) raided the home of Javed Dal and arrested his family members as hostages. Dal had eloped with his cousin. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front executive committee to instigate the arrests, which were carried out without warrants (see Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members, such as in the case of Samia Imran, who had sought a divorce against the wishes of her influential father and was killed in April, apparently at the behest of the family (see Section 5).

Press reports routinely describe couples who are less fortunate, such as Abdul Ghaffar and Shabana Bibi of Gila Deedar Singh, who were abducted from a Gujranwala court on May 15 by 16 armed men representing Shabana Bibi's parents, who opposed the match. At year's end, the couple's fate was not known.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Sections 2.c.).

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 killing 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-Altaf 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 girls' parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. However, the importance of the parent's religion in the judge's decision was not clear. The girls' family since has moved, and reportedly is in hiding.

## **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, and the situation with respect to freedom of speech and of the press deteriorated during the first 10 months of the year, as the Sharif Government attempted to silence several critics, and to influence directly the substance of media reporting. At year's end, the Musharraf regime had not attempted to exercise direct control over views expressed in the print media. Nonetheless, 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, the armed forces, or the judiciary. This provision served as grounds for the 1997 charges against the presidential candidacy of Rafiq Tarar, based on press statements made several years previously that were critical of the judiciary. The charges against Tarar later were 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 Antiterrorist 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 (while the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April). In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an antiterrorist court; they were sentenced to 10 years under Section 295(a) and 7 years under the Antiterrorist Act. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.c.).

The competitive nature of politics helps to ensure press freedom, since the media often serves 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 hampered severely 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 1998 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 in 1998 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 and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures, especially when critical of the Prime Minister or his family. A number of high profile cases of arrest and intimidation of government critics during the year support these claims. The owners of the Jang newspaper group, which publishes widely read Urdu and English language dailies, and had published articles unflattering to the Sharif Government, state that the Sharif Government made a number of demands on the group in 1998. These demands included that Jang fire 16 senior journalists who were critical of the Sharif Government and replace them with journalists of the Sharif Government's choosing; that Jang publications refrain from publishing negative articles about the Sharif family; that Jang publications support the adoption of the 15th Amendment; and that Jang publications adopt a progovernment editorial slant. There is credible evidence that Senator Saifur Rehman, a close associate of the Prime Minister and head of the Accountability Bureau, demanded that they be fired. The Sharif Government froze Jang group bank accounts, ceased placing government advertising in Jang newspapers, filed approximately \$13 million (PKRs 676 million) in income tax notices with the group, sealed Jang warehouses, severely limited Jang's access to newsprint, and raided the group's offices in December 1998. The Sharif Government filed sedition charges against Jang publisher Mir Shakil Ur Rehman. Police again raided Jang premises on January 31, reportedly confiscating newsprint. In February the Sharif Government suspended its sedition case against Rehman and ceased direct interference with publication of Jang group newspapers. However, by August, Jang had modified its editorial content, stopped allowing one prominent journalist to use her own byline, and hired pro-Government journalists. At year's end, the tax charges remain outstanding.

In May a crackdown on the press began. Prominent journalist Najam Sethi, editor of the weekly newspaper Friday Times, was arrested and detained on May 8 after an April 30 speech in New Delhi in which Sethi highlighted a number of crises faced by the country; the speech previously was published without incident in the Lahore-based Friday Times newspaper. Sethi also allegedly had assisted a British Broadcasting Corporation (BBC) reporting team that was investigating corruption within the Prime Minister's family. Approximately 30 policemen broke into Sethi's home very early in the morning, beat him, tied up his wife, destroyed property, and detained Sethi without a warrant. According to press reports, Sethi was detained and interrogated by Government intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and was denied access to an attorney. On May 13, a plainclothes police detachment seized over 30,000 copies of the Friday Times, essentially the entire press run for the week. Police produced no warrant or court order. On May 20, the Supreme Court ordered that Sethi be allowed visits with his wife. On June 1, Sethi was transferred from the custody of the Inter Services Intelligence Department to police custody. At that time, Sethi was ordered held for 7 days on police remand, pending a hearing by an antiterrorist court magistrate regarding charges of "antinational activities" filed by a ruling party member of the National Assembly. On June 2, following intense international pressure and strong criticism from the Pakistani Supreme Court, the Attorney

General dropped the charges against Sethi and ordered him released. Sethi was released the same day. However, Sharif Government pressure on Sethi did not end with his release from jail. Sethi was called to appear before the Chief Electoral Commission to defend himself against charges made by a ruling party member of the National Assembly that Sethi's name should be struck from Muslim electoral rolls. The Pakistan Muslim League legislator argued that Sethi was a non-Muslim as defined by Section 260 (3) of the Constitution, and he further argued that as a former federal minister, his comments in New Delhi disqualified him for further legislative service under Sections 62 and 63 of the Constitution. These sections disqualify those who "oppose the ideology of Pakistan" from serving in the National Assembly or Senate. The case against Sethi was dismissed by the Chief Election Commissioner on October 6. In June Sethi found that he had been placed on the Exit Control List, and reportedly was not permitted to leave the country to receive a human rights award in London. According to Sethi, there are also approximately 50 tax cases currently filed against him and his family.

Other journalists also were targeted, many of whom also had assisted the BBC documentary team that was investigating corruption within the Sharif family. On May 4, the Intelligence Bureau detained opposition political leader and commentator Hussain Haqqani. A vocal critic of the Government, Haqqani highlighted wrongdoing by government officials in his writings, and assisted the BBC documentary team investigating corruption. Haqqani was held by the Intelligence Bureau between May 4 and May 7, based on corruption charges filed previously. According to Haqqani, his interrogators demanded to know why he had been critical of the Government and questioned him about the activities of Najam Sethi; Haqqani was beaten while in custody. Haqqani was transferred to Federal Investigative Agency custody on May 7. On May 10, Haqqani's lawyer was allowed access to his client. Haqqani was released on bail on July 30. The charges are still pending. The authorities also harassed other journalists involved in the BBC documentary. Idrees Bakhtiar, the BBC's correspondent in Karachi, was questioned by police and subjected to a warrantless search of his home in February. Mehmood Ahmed Khan Lodhi, a journalist, was questioned by police authorities from May 2-4 concerning his involvement in the documentary. Lodhi was released after journalists covering the Punjab provincial assembly boycotted the May 4 assembly session to protest Lodhi's arrest. Imtiaz Alam, current affairs editor of The News, reportedly received threatening phone calls, including death threats, regarding his contacts with the BBC film crew; on May 5, unknown persons set his car on fire. Ejaz Haider, news editor at the Friday Times, also reported receiving death threats in early May.

A number of journalists--including Ejaz Haider Bokhari of the Friday Times, Imtiaz Alam of the News, and Dawn Islamabad bureau chief Mohammed Ziauddin--were subjected to warnings from police or anonymous sources regarding their criticism of government policies. In March Dawn correspondent M.H. Khan was charged in Hyderabad for a story that showed photographs of fettered prisoners. Police looking for "objectionable" material raided the Karachi home of News reporter Gul Nasreen Akhter. In July the news editor of the Sindhi daily Kawish was arrested in Kotri, apparently after criticism of the police in the press. On July 5, the staff of the magazine Pulse arrived at work to find that the offices had been broken into and raided by unknown persons, shortly after the magazine had published a series of stories detailing corruption within the Intelligence Bureau. An editorial in the News noted that reports of Sindhi journalists or editors being taken into custody "regularly appear" in newspapers. News reporter Moosa Kaleem was detained in August on unspecified charges. Journalist Maleeha Lodhi in January reported harassment

including death threats, phone tapping and threatened accountability cases because of her position at the Jang publication The News.

Foreign reporters also reported harassment by the Sharif Government during the year, after publication of stories unflattering to the Sharif family.

The increasing harassment and detention of journalists during the first 10 months of the year led to increasing self-censorship by members of the press. For example, by August, the Jang group, which had suffered harassment earlier in the year, acceded to some of the Government's demands regarding its reporting, editorial content, and hiring, including not publishing stories critical of the Prime Minister and his business interests.

Following the October 12 coup, the Musharraf regime appeared to cease direct efforts to manage the press, which were common under the Sharif Government. Articles critical of the Musharraf regime appeared regularly in the press. After the coup, editors and journalists reported no attempts by the ISPR or other government agencies to influence editorial content. However, some journalists continued to practice self-censorship as a precautionary measure, and the Supreme Court charged Dawn journalist Ardeshir Cowasjee with contempt of court on October 26 following comments Cowasjee made on television regarding corruption in the judiciary. The chief legal advisor to General Musharraf, senior National Security Council member Sharifuddin Pirzada, appeared as a friend of the court on behalf of Cowasjee.

At year's end, the case had not been resolved. During a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras, after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd (see Section 1.c.). The following day, apparently acting on erroneous information, the Lahore police entered the Lahore Press Club and tried to block all entry and exit points in an attempt to stop a follow-up demonstration. The demonstration, actually scheduled for December 13, was held without incident.

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.

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. 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.

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 and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these broadcast media are controlled closely 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 were under investigation for possible corruption in making deals, but so far no irregularities have been found). The semi-private television station, Shalimar Television Network (STN), 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. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In July, soon after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis, the government-owned and operated Pakistan Television Corporation (PTV) announced plans to turn the STN into an "all-news" channel, scheduled to start in October; after the coup, the starting date was rescheduled for March, 2000. This station would be under direct government control. The Prime Minister established strict rules regulating 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 1998, the government of Punjab stated that dances performed by women would be banned from television broadcasts, but took no steps to implement the decree. The Ministry of Information monitors advertising on all broadcast media, editing or removing advertisements deemed morally objectionable. The Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. 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. On October 12, as the coup was occurring, television and radio programming was interrupted for several hours.

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. 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. On December 21, 18 persons at Quaid-e-Azam University were injured in a clash between Pakhtun and Sindhi students at the university. There have been no arrests in connection with the incident.

#### **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;" however, while the Government generally permits peaceful assembly, it occasionally interferes with large rallies, which are held by all political parties. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings.

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.

During the year, police made preventive arrests of political party organizers prior to announced demonstrations. In August police detained as many as 2,500 workers of the Pakistan People's Party (PPP) and the MQM in Sindh several days before a planned September 4 strike organized by the PPP. On September 24, Sindh provincial authorities prohibited a march that was to be held by opposition parties on September 25. Police blocked off the starting point for the march and detained hundreds of MQM and PPP activists and senior leaders prior to the event, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days; she was released on September 29. The family members of those sought by the authorities reported forcible, warrantless

searches, and at least two adult children of absent opposition party leaders were arrested when police could not locate their parents (see Sections 1.d. and 1.f.). In October the authorities blocked a march planned by the Jammu and Kashmir Liberation Front in Kashmir. Police arrested as many as 250 activists prior to and during the planned event.

The MQM has been harassed in its regular political activities, especially by the Sindh police. In one of several such incidents, the police cordoned off the MQM headquarters ("nine zero") on July 31 and surrounded a residential area. Persons living in the area were barred from leaving for work, and visitors were not allowed to enter. On the same day, according to the MQM, a busload of supporters coming from Nawabshah to support an MQM hunger strike was stopped near nine zero and told to leave Karachi. On August 14, as party members enforced a strike by threatening shopkeepers with pistols in Hyderabad, police beat MQM marchers. However, larger and more prominent demonstrations, such as the party's August 14 Independence Day march to the tomb of Pakistan's founder, took place with only minimal harassment.

In August the Government issued a new ordinance related to the antiterrorism courts (see Section 1.e.). One section of the ordinance made "illegal strikes, go-slows, (or) lock outs..." punishable by up to 7 years' imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. Some groups argued that the ordinance was adopted specifically to counter opposition plans to organize a strike on September 4.

Police sometimes used excessive force against demonstrators. In September, large numbers of police were deployed in Karachi in preparation for a September 4 opposition strike. The police killed two MQM activists. On September 4, police used water cannons, teargas, and batons to counter a PPP sit-in in Karachi on September 12. On September 25, persons who attempted to hold a march, which had been prohibited, were dispersed by police, who beat and used tear gas against them. In October police used force to disperse a planned march by the Jammu and Kashmir Liberation Front in Kashmir.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed that the presence of such leaders would increase sectarian tensions or cause public violence. In April, the leader of the Tehrik-i-Nefaz-i-Shariat-i-Mohammadi (TNSM), Mullah Sufi Mohammad, was released from house arrest in Malakand. In April meetings of five or more persons were banned in Malakand division, but were lifted shortly afterwards when Sufi agreed to address only his party's meetings. In September Jamiat Ulema-i-Islami leader Fazlur Rehman was placed under house arrest by the Sharif Government to prevent him from traveling to NWFP tribal areas to address a political rally (see Section 1.d.). In November the Musharraf regime also briefly placed Rehman under house arrest to prevent him from leading a political demonstration in the NWFP.

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, while these ordinances and laws apparently have not been used since the martial law period, the Sharif Government targeted the activities of NGO's, revoking the licenses of almost 2,000 NGO's in Punjab. In November, the government of Punjab lifted the ban on the registration of

NGO's imposed under the Sharif Government, but the NGO's previously delicensed remained so at year's end. There are no banned groups or parties.

### **c. Freedom of Religion**

Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim, and while the Constitution grants citizens the right to "profess, practice, and propagate" their religion, the Government imposes limits on freedom of religion. The majority of the population is Sunni Muslim, but 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. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them. For example, according to the HRCP, in one case prior to 1999, 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 has been 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. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Minority religious groups feared 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 might further restrict the freedom to practice non-Islamic religions. The Sharif Government countered that the proposed amendment contained specific language protecting the rights of minorities. In two areas of the NWFP--in Malakand and Kohistan--Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance into law; Shari'a law now applies in Kohistan (see Section 1.e.). On December 23, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free financial system by June, 2001. Discriminatory religious legislation has added to 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). Since the coup, no action has been taken on the 15th amendment.

Then-Prime Minister Sharif spoke 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. General Musharraf and

members of his staff apparently consulted with religious minorities on some cabinet appointments.

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.

In March 1998, 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 parents' religion in the judge's decision, however, was not clear. A subsequent court decision in March, over the parents' objections, awarded custody of the two youngest girls to their older sister (who reportedly had converted to Islam) and her Muslim husband; the eldest of the three girls reportedly had married her attorney. The girl's parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. The girls' family since has moved, and reportedly is in hiding.

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 Section 298(c) 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 Ahmadis. 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. Since 1984, Ahmadis have been prohibited from holding any conferences or gatherings. Tabloid-style Urdu newspapers also frequently whip up popular emotions against Ahmadis by running "conspiracy" stories.

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 the 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. During the year, the Ministry of Religious Affairs announced the creation of "Peace Committees" to review charges of blasphemy before the police can act on them; however, these committees are not yet operative. On September 8, Ataulla Waraich was arrested and charged under Section 298(b) after he constructed an Ahmadi mosque on his property; during the year, Qim Ali was charged with violating Section 298(c) because he stated that he was a Muslim, and Dr. Abdul Ghani Ahmadi was charged under Sections 295(a), 295(c), 298(c) for preaching. In September 1998, 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. The case remained under appeal as of June 30; there was no further information on the case at year's end. Ghulam Hussain, a Shi'a Muslim, received a 30-year jail sentence and a \$1,500 (PRs 75,000) fine for blasphemy against the companions of the prophet.

According to Ahmadi sources, 80 Ahmadis were implicated in criminal cases on a "religious basis" (including blasphemy) in 22 cases between January and early December; 44 Ahmadis were charged with violating blasphemy and anti-Ahmadi laws during 1998. According to these sources, a total of 195 Ahmadis have been charged under the law since its inception. A Christian organization, the National Commission for Justice and Peace (NCJP), used public sources to compile lists of accused under the blasphemy law. By the NCJP's statistics, 14 incidents involving accusations of blasphemy on the part of Muslims took place between January and June. Ghulam Mustafa, an Ahmadi religious teacher, was charged for preaching on February 15 under Sections 298(c) and 295c. Intizar Ahmad Bajwa was charged in Purur under 298(c) on May 19. On June 21, three Ahmadis were arrested and another three were charged with blasphemy in Sheikupura, Punjab. Seven Ahmadis were charged in Bakhoo Bhatti, Punjab, with blasphemy on July 3. Mustaq Ahmad Saggon and Nasir Ahmad, two Ahmadis, were charged in Muzaffargarh on July 19 under Section 295 for preaching and distribution of religious literature. The case has been transferred to an antiterrorist court at Dera Ghazi Khan. On July 30, according to Ahmadi sources, a subdivisional magistrate ordered an Ahmadi mosque sealed in Naseerabad, Sindh; it remained sealed at year's end. 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 (PRs 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 Sheikupura 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 was jailed in a class "C" cell from March 1997 until his release in June. Due to threats by religious extremists, his wife had to resign from her job as a professor and go into hiding with their children.

On December 14, a group of several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab that belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship. A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free standing clinic next to his home. The mob destroyed the clinic, which was under construction, and looted and burned Nawaz's home. Police arrived at the scene, but did nothing to stop the crowd. By year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police had taken no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested by the police on December 15 and charged with blasphemy. On December 20, Nawaz and his sons were granted bail, but the blasphemy case against them was pending at year's end. Other Ahmadi in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in the town at the time. Abdul Sattar Chaudhry, Muhammad Yar Jandeka, and Nasir Jandeka were charged under Section 298(c) for declaring themselves Muslims.

The predominantly Ahmadi town and spiritual center of Rabwah often has been a site of violence against Ahmadi (see Section 5). On November 17, 1998, the Punjab assembly unanimously passed a resolution to change the name of the Punjab town that serves as the administrative religious center of the Ahmadi community from "Rabwah" to "Chenab Nagar." The son of a prominent Muslim fundamentalist filed charges in March against prominent Ahmadi leaders in Rabwah. He charged that Mirza Masroor Ahmad, the country's senior Ahmadi leader, and retired Colonel Ayyaz Mahmud, the leader of the Ahmadi in Rabwah, had directed Ahmadi activists to cross out the name Chenab Nagar on a recently installed plaque and write in Rabwah. The plaque also contained Koranic verses. The Ahmadi leaders denied this allegation. On April 30, Ahmad and three of his colleagues were arrested on blasphemy charges for allegedly inciting the desecration of the plaque. The blasphemy charges against three of the four eventually were dropped, and the four were released after spending more than a week in jail. However, Ahmad still faces charges under Section 295(c), and the three others still face criminal charges under the Maintenance of Public Order Act.

In October Shafiq Masih, a Christian, was acquitted of a blasphemy charge under Section 295(c), but was sentenced to 8 years' imprisonment under Section 295(a) for having uttered derogatory comments against the Prophet Mohammed; he is appealing the decision. In December Hussain Masih, a Christian charged with blasphemy under Section 295(c), was granted bail due to lack of evidence, according to Christian activists. Masih, his son Isaac, and Sehr Ghuri had been accused in November 1998 of making derogatory remarks against the Prophet Mohammed and against the Muslim community. Ghuri was previously released on bail; Isaac Masih never surrendered to the authorities. Ayub Masih (a Christian detained since October 1996) was convicted of blasphemy under Section 295(c) for making favorable comments about Salman Rushdie, author of the controversial book "The Satanic Verses" and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges. Masih survived an attempt on his life in 1997, when he was shot at outside of the courtroom while on trial. 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 in May 1998 with a handgun outside the Sahiwal court where Ayub had been convicted, to protest the conviction.

The High Court appeal is still pending. Following the Bishop's suicide, there were violent incidents in Faisalabad and Lahore, involving both Christian and Muslim perpetrators. Another Christian, Ranjha Masih, was charged with blasphemy during one of these incidents after throwing rocks at an Islamic sign; he remains in a Faisalabad prison. Nazir Masih, a Christian arrested and charged under Sections 298 and 298(a) in August 1998 for allegedly insulting the daughter of the Prophet Mohammed, was released on bail during the year.

In March a judge in the antiterrorist court of Muzaffargarh sentenced Muhammad Ishaq to 17 years in jail and a \$2,000 (PRs 100,000) fine for propagating "un-Islamic" ideas. Ishaq was a member of the association of Partisans of Islam. In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an antiterrorist court. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.a.).

Sectarian violence and tensions continued to be a serious problem throughout the country. One newspaper reported that there have been 300 persons killed in sectarian violence in Punjab in the last 2 years (see Section 1.a.). However, sectarian violence decreased after the October 12 coup.

In April Prime Minister Sharif established a 10-member committee of religious scholars whose declared purpose was to eliminate growing sectarian terrorism and religious dissension in the country. The committee collapsed after a few weeks because Shi'a leaders were unhappy with the committee chairman, Dr. Israr Ahmad, head of the Tanzeem-e-Islami, who reportedly has a reputation for religious intolerance. In the same month, President Rafiq Tarar chaired a seminar in Lahore to foster better understanding between Christians and Muslims. At this interfaith gathering, participants discussed reconciliation efforts since the February 1997 anti-Christian violence in the Christian community of Shantinagar in Punjab, in which mobs looted and burned the village. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless.

However, after the coup, sectarian violence decreased. General Musharraf emphasized the rights of religious minorities in his speeches, and the Musharraf Government stated that it was committed to protecting the rights of religious minorities. According to persons in religious minority communities, the Musharraf Government made efforts to seek minority input into decision-making and offered cabinet positions to individuals from religious minority communities. General Musharraf appointed an Islamic religious scholar to the National Security Council. 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, was arrested during the year, and is being held in Camp Jail in Lahore.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims cast their votes for Muslim candidates by geographic locality, while non-Muslims can cast their votes only for at-large non-Muslim candidates. Legal provisions for minority reserved seats do not extend to the Senate and the Federal Cabinet, which currently are composed entirely of Muslims. Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take a religious oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The Government designates religion on passports. In order to get a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

#### 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 limits these rights. The authorities at times prevent political party leaders from traveling to certain parts of the country; on September 3, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. He was released 3 days later (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. The Human Rights Commission of Pakistan estimated that there were 1,738 individuals reportedly on the ECL in late 1998, including 56 parliamentarians. As of early November, the press reported that as many as 8,000 persons suspected of corruption were believed to be on the ECL, many of them placed there by the Musharraf regime. After the coup, all parliamentarians also were placed 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. The process for adding names to the list is not open to public scrutiny. Zafaryab Ahmed, a prominent human rights activist, was placed on the ECL in 1998 and was not allowed to leave the country until December 1998. However, in some instances, 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 in December 1998. Bhutto was allowed to leave later that month following a court order to the Government to lift the travel restriction against her.

The Sharif Government continued to use ECL authority to harass opponents and assist the politically powerful. Politicians who angered the Sharif Government were regularly placed on the Exit Control List, often hearing about the restriction only when attempting to board international flights. Journalist Najam Sethi, who was charged with treason by the Sharif Government (see Section 2.a.), also was placed on the ECL, and reportedly was not permitted to leave the country in June to receive a human rights award in London. According to press reports, Syed Qamar Abbas, a former member of the NWFP assembly, was placed on the ECL while he was on trial for murder; he was removed after his acquittal. The ECL sometimes is used by the politically powerful in connection with personal disputes. Humaira Mahmood, a woman who married in defiance of her father's wishes, was placed arbitrarily on the ECL in December 1998 by her influential father. In January she and her husband were arrested when trying to leave Pakistan from Karachi airport. The couple eventually was allowed to depart Pakistan following intervention by the Lahore High Court (see Sections 1.d., 1.f., and 5).

The Musharraf regime stepped up the use of the ECL, particularly to prevent those suspected of loan defaults or corruption from leaving the country. According to press reports, over 3,000 names were added to the exit control list after the Musharraf regime came to power. The focus apparently was on potential loan defaulters, as part of the Musharraf regime's emphasis on accountability. The army enforced the ECL, especially after the expiration of the grace period for the repayment of defaulted loans on November 17. After October 12, there continued to be periodic reports of persons denied permission to travel. The Musharraf regime refused permission for former senator and human rights activist Nasreen Jalil to travel to a conference on penal reform held in Nepal in November. Human rights activist Asma Jehangir also was prevented from attending a meeting in Kosovo in December, in her capacity as U.N. Special Rapporteur on Extrajudicial Killings.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees and has not adopted domestic legislation concerning the treatment of refugees. In December the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change in the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case by case basis. Means for screening Afghan refugees have not yet been established, but the shift in policy implies an increase in the number of Afghans to be repatriated and a decrease in the admission of new arrivals.

The Government cooperates with the office of the 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. In addition to refugees recognized and assisted by UNHCR, a large number of unregistered Afghans are believed to live in the country, mostly in urban areas.

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 and contribute to crime in the country. On June 13, police in Peshawar swept Afghan shop keepers and their patrons out of the Hayatabad Kar Khanah market area,

demolishing stalls as they went, and beating persons who resisted. This incident, along with the March press reports concerning the possible confinement of refugees to camps and the April relocation of Afghan refugees from the Nasir Bagh camp, led some to fear an attempt by the provincial government to make life more difficult for Afghan refugees and thus to encourage them to return to Afghanistan. The press reported on similar initiatives in Islamabad and Rawalpindi in November and December, but these plans had not been implemented by year's end. At the same time, authorities in Quetta detained a number of newly arrived Afghans, mostly non-Pakhtun minorities, with plans to deport them. UNHCR was permitted to screen a number of these detainees and those determined to be refugees were not deported.

Most refugee villages (camps) are well established, and living conditions resemble conditions in neighboring Pakistani villages, although assistance to the refugee villages has dropped off considerably since the early 1990's. Most recent arrivals have moved to urban areas such as Peshawar and Quetta, but some have been located in camps such as New Akora Khattak camp, established in 1996. Conditions for newly arrived Afghans are less favorable than for refugees in the long-established camps. For example, sanitation, health care, shelter, and fresh water have been ongoing problems in New Akora Khattak, although new shelters, schools, and health facilities were established during the year. Some of the most recently arrived families still reside in makeshift tent dwellings. On April 23, the office of the Commissioner for Afghan Refugees began relocating 874 Afghan refugees from Nasir Bagh camp to make room for construction of a new highway. Some of these refugees were sent to New Akora Khattak camp. However, many reportedly returned to Afghanistan or moved to other locations in Pakistan. The relocation effort later slowed in 1999.

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 92,000 Afghans returned to Afghanistan; in 1998, approximately 93,000 Afghans returned to Afghanistan.

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 cities, and there are reports that some have been forced back into refugee camps. Most able-bodied male refugees have found at least intermittent employment, but they 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.

Afghan moderates also reportedly have been the targets of harassment and violence from conservatives in the Afghan refugee community, including Taliban or Taliban sympathizers. On January 12 in Peshawar, the wife and son of well-known Afghan moderate Abdul Haq were shot and killed in their sleep by unknown assailants. Haq is well known for his efforts to promote an intra-Afghan dialog; his brother was a former governor in Afghanistan who has joined forces with Ahmad Shah Masood against the Taliban. On March 27, Mohammed Jehanzeb, the secretary of Abdul Haq's brother (and Taliban opponent) Haji Qadir, was shot and killed by unknown assailants in Peshawar. On July 14, moderate Afghan tribal leader and former

senator Abdul Ahmad Karzai was shot and killed by two gunmen while returning home from prayers at a local mosque. Between January 1998 and January 1999, it was estimated that up to 12 Afghan moderates or former members of the Communist Party were killed by unknown assailants (see Section 1.a.). Among those reported killed were Dagarwal Basir, General Nazar Mohammed, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha, and General Rahim. By year's end, there had been no arrests or convictions in connection with any these killings. On December 4, a fire was reportedly set at the home of an Afghan moderate active in the intra-Afghan dialog movement in the Shamsatu refugee camp in Peshawar. The moderate's car and part of the moderate's residential compound were burned, but no one was injured.

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.

Tens of thousands of persons reportedly left their homes on both sides of the line of control during the Kargil conflict; 100 villages on the Pakistani side of the line of control were reportedly evacuated in mid-June. In June there reportedly were 14,000 displaced persons from Indian-held Kashmir living in 20 camps on the Pakistani side of the line of control.

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

Until the military coup on October 12, citizens had the right and the ability to change their government peacefully. With certain exceptions, citizens 21 years of age and over had the right to vote. However, several million nomads and bonded laborers could not vote because the National Election Commission had ruled that they did not "ordinarily reside in an electoral area", nor [did] they own or possess "a dwelling or immovable property in that area." Bonded laborers with an address and an identity card were eligible to vote. Political parties were allowed to operate freely after the full lifting of martial law in 1988. Unregistered political parties were permitted to participate in elections. Members of the national and provincial assemblies were elected directly. The Constitution required that the President and the Prime Minister be Muslims. Even before the coup, the Chief of the Army Staff historically had exercised influence on many major policy decisions. After the imposition of a military government, the Constitution was suspended and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. However, the Musharraf regime did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League, continued their activities. The Musharraf regime pledged to return to democracy, but did not provide a timetable for elections by year's end. In December General Musharraf stated that local elections would be held by the end of 2000. Other senior government officials believe that these elections could be held as early as September

2000. General Musharraf also pledged to carry out electoral reforms, including the appointment of an autonomous electoral commission and the reconstitution of accurate, comprehensive electoral rolls, but took no action to implement such reforms by year's end. General Musharraf appointed a cabinet in late October and early November. Musharraf also appointed new governors in all four provinces in October.

National elections for national and provincial assemblies last were held in February 1997. Election observers, including teams from the Human Rights Commission of Pakistan, 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. Prime Minister Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government.

Elections for local government bodies were held in Punjab in May 1998. Although ruling party candidates won the most seats, the provincial government did not name chairmen to these bodies or allow them to take office until December 1998. Specially nominated women, worker, and peasant representatives were chosen, after long delay, in October 1998. Elections were held in Baluchistan in March and a chairman was named in August. Elections have not been held in the two other provinces since 1993, when these bodies were dissolved by a caretaker government because of charges of corruption. Local government elections were postponed indefinitely in NWFP and Sindh. In the interim, appointed civil servants continued to administer local governments in all four provinces. Since the coup on October 12, there have not been any active local bodies in any of the provinces. Local body elections are tentatively planned to occur in 2000.

Citizens' right to change the government has been restricted at the local level in Sindh. Elected local bodies (the rough equivalent of district and city councils) were replaced in April 1998 by appointed Khidmat (service) committees, which were packed heavily with supporters of the ruling Pakistan Muslim League, and were widely seen as an attempt to eliminate the need for local elections in Sindh. In November 1998, the Sharif Government imposed Governor's Rule in the province of Sindh. This decision followed a threat to the Sindh's ruling PML coalition government by one of its primary coalition partners. The reason cited by the Sharif Government for the imposition of Governor's Rule--which suspended the democratically elected provincial legislature and invested the State's appointed governor with the authority to oversee the province's affairs--was a critical law and order problem within the province. On June 17, then-Prime Minister Sharif created the position of Advisor on Sindh Affairs, and appointed Syed Ghous Ali Shah, a member of the PML, to the post. Despite the effective continuation of Governor's Rule in Sindh, Shah, not the governor, enjoyed executive powers in the province under the Sharif Government. Neither elected nor responsible to an elected body, Shah had primary responsibility for the management of the government of Sindh until his arrest following the October 12 coup. Suspension of the Sindh assembly did not require new elections, but members were able to do little more than give speeches and propose private bills 1 day a week. In September Syed Ghous Ali Shah announced the creation of an appointed "Members Advisory Council for the Prime Minister's Advisor on Sindh." The members of this council were to have the powers of a provincial minister, but the council was eliminated after October 12.

In October the local and provincial governments, including in Sindh, were suspended by the Musharraf regime; the provinces are ruled by governors appointed by General Musharraf.

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. In May the Supreme Court directed the Government to take steps within 6 months that would provide the residents of the northern areas with government by their chosen representatives and an independent judiciary. The court left it to the Government to determine how this objective would be achieved. On November 3, the Musharraf regime allowed previously scheduled elections to take place in the northern areas. Independent candidates and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been hampered at the provincial level by the failure to release the 1998 census figures and by the likely underestimation of the population of Sindh and, in particular, Karachi. The national census, held after a delay of 7 years, was carried out in March 1998. 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, for example, 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 held 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 1998, 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. General Musharraf appointed a woman to his National Security Council and another to his cabinet.

**Minorities are underrepresented in government and politics.**

Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Because of this system, 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 (see Section 2.c.). 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. However, on June 28 the election tribunal of the NWFP disqualified Walter Siraj, the elected Christian seat member of the provincial assembly. Siraj's opponent had filed a petition alleging that Siraj rigged the election. A by-election was ordered. With the disqualification of Siraj, two of the three seats reserved for minorities in the NWFP were vacant. 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. By year's end, the 1998 census figures for religious minorities had not been published.

Tribal people are underrepresented in government and politics. 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 generally are free to operate without government restriction; they are, however, required to be licensed. 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 killing of well-known human rights activist Asma Jehangir.

However, the Sharif Government limited the freedom of association of NGO's, and revoked the licenses of almost 2,000 NGO's in Punjab (see Section 2.b.). Punjab's minister for women, social welfare, and Bait-ul-Mal Pir Syed Binyamin Rizvi began a campaign in the press against NGO's in late December 1998, particularly targeting

NGO's that worked on women's issues and espoused "un-Islamic values." In January the Prime Minister ordered the government of the Punjab to begin a campaign to withdraw licensing of certain nongovernmental organizations. Without such licensing, the organizations were not permitted to operate. Altogether, the authorities withdrew the licenses of 1,941 organizations out of 5,967 that were licensed in Punjab in early May. The Sharif Government also reportedly pressed all NGO's to open their books, and published a list of NGO's receiving foreign funding. Delicensed NGO's that allegedly were nonexistent or engaged in fraudulent activity also had their bank accounts frozen. Forty-one other NGO's were probed, and 944 were given 3 months to improve their performance. In August the Government of the NWFP began a similar review of nongovernmental organizations within the province. Prior to its review of NGO's, NWFP authorities raided and closed the respected Aurat Association in Manshera, an NGO devoted to women's rights. The Sharif Government argued that the review of NGO's was an attempt to remove fraudulent and inactive NGO's from the registers. Representatives from NGO's countered that a number of legitimate groups were required to cease operations and that the withdrawal of licenses was in part an effort to bring NGO's more firmly under government control. Several prominent human rights groups in Karachi reported in May that they were harassed by false charges, allegedly planted by the Sharif Government in the Urdu press, that they were embezzling funds. At the same time, the head of an organization that publishes books about women's rights reported that she was the target of charges by a Sindh government official; the charges involved unspecified "anti-State" and "anti-Islam" activities. Prominent figures in the NGO community feared that this campaign against "corrupt" NGO's, along with harassment aimed at unpopular NGO's that were not shut down, was an attempt by the Sharif Government specifically to stifle NGO's working on unpopular issues, such as women's and civil rights, and those who disagreed with the Government, including those working against the 15th (Shari'a) Amendment and against the Government on nuclear issues.

At a conference organized by a number of influential advocacy NGO's in June, representatives from the NGO community complained that certain NGO's had suffered harassment by police authorities because of their advocacy activities. The Musharraf regime began an effort to reach out to civil society. Soon after taking office, the new Punjab government under General Musharraf on November 18 lifted the ban on NGO registration. Several Musharraf cabinet members were active with NGO's before their appointment.

International human rights organizations have been permitted to visit the country and travel freely. Several international organizations operate in the country, many of which aid refugees. However, since 1998 foreign NGO staff members have at times had difficulty in obtaining visas; certain international NGO's had consistent difficulty in obtaining such visas for their foreign staff.

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.

In August Prime Minister Sharif constituted a cabinet committee on human rights issues. According to press reports, the committee was to consider recommendations to remove "administrative lapses and legal lacunae" in the human rights area. No concrete action was taken by the committee prior to the October coup, and the committee was disbanded after the coup. However, members of General Musharraf's cabinet and of the National Security Council continue to meet on human rights issues.

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

The Constitution, which was suspended in October, provided 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 Progressive Women's Association reported in September that one out of every two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands are known to kill their wives even for trivial offenses. On March 22 in Karachi, Bilawal, after an argument with his wife Zainab, doused her with kerosene and burned her to death. This case was one of numerous incidents, consistent with the findings of a poll reported by the Pakistan Peace Coalition in April. A survey of 1,000 women in 10 communities of rural Punjab found that 82 percent of the women feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women 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 also are reluctant to report cases of abuse in order to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances which are rarely invoked and may privatize the crime (see Section 1.e.). However, Qisas and Diyat cannot be invoked where the victim's heir is a direct lineal descendant of the perpetrator, such as when a woman is killed by her husband. Police and judges tend to see domestic violence as a family problem, and are reluctant to take any action in such cases. Thus, it is very difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report early in the year that summarized reports in the English-language press about violence against women in Pakistan between 1993 and 1998. Even in this selective medium, and limiting itself to reports of violence instigated by close male relatives, Shirkat Gah

documented 535 women who were killed or who committed suicide during the period; 95 of the women were killed or committed suicide when they expressed interest in marrying a man of their own choice.

During the year, 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. In a survey of newspaper reports in Lahore from January to November, the Human Rights Commission of Pakistan (HRCP) found a total of 675 killings of women and 272 burn cases involving women reported. Seventy-seven persons were held in connection with the killings; at year's end it was not known how many had been convicted, or if any individuals had been charged in connection with the burn cases. 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 killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women. By year's end, there was no progress in the 1998 case of Shahnaz, who died after 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.

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. The HRCP estimates that at least eight women, five of them minors, are raped every day in Pakistan, and more than two-thirds of those are gang-raped. 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.). Parliamentary Affairs Minister Muhammad Yasin Khan Wattoo informed the Senate on April 28 that in the first 90 days of the year 472 women reported that they were raped. The HRCP in the first 9 months of the year tallied 485 rape cases recorded in Lahore newspapers. Of these instances, cases were registered in 74 percent of the rapes but suspects were arrested in only 10 percent. More than 50 percent involved gang rape. 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, which carry either Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). 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 Hadd, or maximum punishment for this offense, is public flogging or stoning; however, in order for Hadd punishments to apply, special, more stringent rules of evidence are followed. Hadd punishments are mandatory if there is enough evidence to support them, and for sexual offenses require four adult male Muslims to witness the act or a confession. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If the evidence falls short of Hadd requirements, then the accused may be sentenced to a lesser class of penalties (Tazir); since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level of evidence and sentencing (under which a rapist may be sentenced to up to 25 years in prison and 30 lashes). No Hadd punishment has ever been applied in the 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders.

According to an HRCF 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, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and may act in an abusive fashion against the victim; the courts do not have consistent standards of proof as to what constitutes rape and to what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). Human Rights Watch also reports that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that they are trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police also have been known to be physically and verbally abusive during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently are harassed by police or the perpetrators to

drop the case. Police may accept bribes to get the complainant to drop a case, or may request bribes to carry it forward. Police tend to investigate the cases poorly, as well, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one.

The Parliamentary Commission of Inquiry for Women in 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. At year's end, 500 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan (see Section 1.e.). 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 (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

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, applies equally to offending men and women, women are far more likely to be killed than men. The Progressive Women's Association, a human rights NGO, estimated in September that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings", known as ("karo/kari" in Sindh). The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. The HRC reported 19 such cases in February and 22 in May, noting that the actual figures are doubtless much higher. 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. Even women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." In the Federally Administered Tribal Area's Kurram agency in March, Amnesty International reported that a tribal firing squad killed 16-year-old Lal Jamilla Mandokhel, a mentally retarded girl, after she was raped repeatedly by a field assistant in the agriculture department. The police took the accused into protective custody but turned the girl over to her tribe after the filing of a FIR. Her tribe found that she had brought shame to the tribe, which could only be remedied by her death. The tribesmen also demanded the return of her attacker by police for public execution. AI also reported that if an accused adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to

compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given in compensation to repair the honor of the adulteress' family.

The Government has failed to take action in honor killing cases, particularly when influential families are involved. Samia Imran, a married woman from Peshawar seeking a divorce against the wishes of her husband and her family and who was thought to be dishonoring them, was shot and killed on April 6 in the Lahore office of lawyer and human rights activist Hina Jilani. Her parents arranged the meeting on the pretext of consenting to the divorce. The victim's mother, Israt Bibi, was accompanied to the meeting by Habib ur-Rehman, who shot Samia when his presence at the meeting was challenged. Rehman took a hostage after the shooting and escaped with the victim's mother. Although Rehman was killed later in an exchange with police, the victim's mother, father, and uncle also were charged in the case. The perpetrators, who come from a prominent family, were not apprehended. The case generated extensive publicity, and Hina Jilani and her sister, prominent human rights activist Asma Jahangir, were threatened publicly with arrest and violence. According to Jilani, the police refused to take statements from eyewitnesses and tampered with evidence. Asma Jahangir and Hina Jilani were charged by Samia's father in June with kidnaping her, but the case has been stayed pending the case against her family members. FIRs had been filed against them by Samia's father in June. Many believe that the Sarwar family used their influence to stall the case and be granted pre-arrest bail. Amnesty International reported that Ghazala, a woman living in Joharabad, Punjab, was set on fire and killed by her brother on January 6 because her family suspected that she was in a relationship with a neighbor. On January 19 in Jampur city, Punjab, Ameer Bukhsh killed his wife Khadeja and a bank officer he alleged she was having an affair with. Buksh turned himself in for the killings, and his brother-in-law Abdul Qadir filed a complaint against him for murder, stating that Buksh killed the bank officer for some other reason and then killed his wife to cover it up. However, Qadir reportedly was threatened by the police with being implicated in a murder case if he did not change his story.

Trafficking in women also is a significant problem (see Section 6.f.).

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 Baluchistan, 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 in the fields. In Karachi only 45 percent of girls completing matriculation (10th grade) exams in science in 1999 would be able to find places in government-run colleges, as opposed to 95 percent of boys passing the same tests. For 14,424 girls passing the exam in 1999, only about 8,000 places are available, according to 1998 figures. In

Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education.

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 legally is 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 to the age of 16 for females. 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 legally are 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). However, in practice 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, and the authorities generally fail to prosecute such cases vigorously. The February 1998 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. In May 1998, a woman in Karachi was killed by her father, Alauddin, for marrying a mechanic from his auto repair shop. In July 1998 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 Mahmood Butt 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 1998, 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 1998, 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. However, soon after this she took refuge in another shelter in Karachi. Mahmood's name, along with her husband's, was placed on the ECL, preventing them from leaving the country. Mahmood appealed the placement of her name on the ECL. On January 28, she and her husband were detained without a warrant by Punjab police at the Karachi airport

(in Sindh province), as they were trying to leave the country. Mahmood Butt's mother also was detained. Mahmood and her husband reportedly were taken separately to Lahore, where they were detained separately and were beaten in an attempt to force them to renounce their marriage. Humaira was charged with adultery by her father, based on a videotape of the sham marriage into which Humaira had been forced against her will. On January 28, Mahmood Butt and his mother were released by court order. Humaira also was briefly released. On February 2, the pair appeared in court in Lahore. On February 18, the Lahore High Court ruled that Humaira and Mahmood's 1997 marriage was valid, and that her marriage to her cousin was invalid. The court also dismissed the abduction charges against Mahmood Butt, ordered the release of Humaira Mahmood, imposed a 3-month prison sentence against Subah Sadiq, the police officer who detained the couple at the Karachi airport in January, and directed the Punjab inspector general of police to ensure their safety. Humaira's father appealed the court's decision. However, Humaira Mahmood and Mahmood Butt left the country without incident on February 20. No action was taken against Humaira's father.

Press reports routinely describe couples who are less fortunate, such as Abdul Ghaffar and Shabana Bibi of Gila Deedar Singh, who were abducted from a Gujranwala court on May 15 by 16 armed men representing Shabana Bibi's parents, who opposed the match. At year's end, the couple's fate was unknown. In July police in Kot Ghulam Mohammed (Mirpurkas district, Sindh) raided the home of Javed Dal and arrested his family members as hostages. Dal had eloped with his cousin. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front executive committee to instigate the arrests, which were carried out without warrants.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The value of women's testimony is not equal to that of a man's 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.

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 nor 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. Even in relatively prosperous Karachi, enrollment figures are low. Before his killing in October 1998, M.I. Memon the head of the Board of

Intermediate and Secondary Education in Karachi estimated that only 1.1 million of Karachi's school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school-age children in Karachi is 4 million, even in the wealthiest, most developed city in the country, it would appear that no more than 27.5 percent of school age children are attending school. Even those children who go to school 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."

Information about progress in educating girls is contradictory. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but was 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. However, an Oxfam report released in March stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's.

The federal Government announced a new education policy in March 1998, which dealt mostly with the construction of new schools but that 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. However, no legal action has been taken against those found responsible for the misuse of government property.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. Public health administration suffers from poor management, avoidance of responsibility, false data, and lack of cooperation among agencies. Polio, and effective vaccination to prevent it, remain problems. The World Health Organization (WHO) reported 1,147 cases of polio in the country in 1997. The WHO and the Center for Disease Control reported that the full (three-dose) course of oral polio vaccine has been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. On June 27, the English-

language newspaper Dawn reported that doctors in Sindh had persuaded the Sindh health department to order a halt to reporting of polio cases. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas), but they were taking steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a June polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. The International Labor Organization reports that 8 percent of children suffer from iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children are born iodine-deficient, resulting in high rates of mental retardation.

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.

Trafficking in children is a problem (see Section 6.f).

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 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 killing 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 1998. 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, sharing prison conditions that are extremely poor (see Section 1.c.). 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 4,000 children were held in the nation's prisons, some as young as 8 years old, compared with 3,480 in 1998. In Punjab in 1998 1,508 children under age 18 were found in prison in an NGO survey, 16 of whom were below the age of 12. Imprisoned children often spend long periods of time in prison

awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults are (see Section 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is done also to punish or intimidate child detainees or to extort payment from their families for their release. Sexual abuse of child detainees by police or guards reportedly is a problem as well (see Section 1.c.). On April 11, a riot reportedly broke out in the juvenile ward of the Sahiwal Central Prison in Punjab, after a 13-year-old prisoner was beaten for complaining about sexual abuse at the hands of the head warden. Nearly 20 children reportedly were injured as the riot was quelled, and 10 children were charged in connection with the incident. The Deputy Inspector General of Prisons visited the prison soon after the incident and ordered the suspension of the head warden accused, the assistant superintendent of the prison, and another warden.

Courts may also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. Juvenile offenders, and in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly are poor, similar to those found in jails. Abuse and torture of the children in such institutions is a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often are inadequate. Extortion on the part of the staff at such institutions is reportedly endemic; parents of inmates often are required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions, and are supplied by their guards.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were several reports of the abuse of children studying at madrassahs during the year. In one 1998 case, 14 children were found in fetters at a madrassah in Lahore. The principal of the madrassah was arrested, but was released when he claimed that the parents were responsible for the use of fetters. 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 fewer protections than are afforded to Sunni 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.

Sectarian violence between Sunnis and Shi'a continued to be a serious problem throughout the country. In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which terrorists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued. On January 4, several motorcycle gunmen fired on an early morning prayer service at a Shi'a mosque in Karamdad Qureshi, Punjab, killing 17 persons and wounding at least 25 others. Police arrested 46 members of the Sipah-e-Sahabah Pakistan (SSP), a Sunni militant group, in connection with the attack. It was widely believed that an offshoot of the SSP, the Lashkar-i-Jhangvi, was responsible for the attack. On March 24, motorcycle gunmen shot and killed Barkat Ali, a leader of the Shi'a group Tehrik-e-Nifaz-e-Fiqh-e-Jafria, outside his home in the Tansa area of Punjab. The gunmen are believed to belong to the SSP. Four individuals abducted and then killed Mirza Ghulam Qadir on April 14. Qadir was the nephew of the supreme head of the Ahmadi community. Ahmadis believe that militants from the Lashkar-i-Jhangvi killed him for religious reasons. Police killed the perpetrators in an encounter following the killing. On the evening of April 25, (the 8th of Moharram), four Shi'a Punjabis visiting a village near Dera Ismail Khan in the NWFP to recite Moharram morning prayers were killed in their sleep. Sunni religious militants were believed to have committed the killings in order to provoke Shi'a-Sunni conflict during the traditionally tense 9th and 10th of Moharram. Local authorities in the NWFP and in Punjab took steps to calm sentiments, and there was no further violence in connection with this incident. On August 19, Mohammed Khalid Rajput, an SSP activist, was shot and killed, apparently when members of the rival Shi'a organization, Tehrik-e-Nifaz-e-Fiqh-Jafria, fired on an SSP rally in Dera Ismail Khan, NWFP. On the following day, a Shi'a mourning procession was fired upon, although there were no casualties. Five persons were charged in connection with the killing; three had been arrested by year's end. On September 6, an explosion in a madrassah in Karachi injured more than 20 persons; those injured had rushed to the scene of a previous explosion, in which there were no injuries. On September 24, the Secretary General of the TJP in Dera Ismail Khan was killed by three SSP leaders, setting off a wave of sectarian violence. All three of the leaders were arrested soon after the killing; the case was pending at year's end. After the killing, attacks began in Punjab and Sindh, perpetrated by both Shi'as and Sunnis, in which more than 30 persons were killed. Among those killed were President of the Gujranwala division of the TJP, Ijaz Hussain Rasool Nagri, on September 30; 9 worshipers in a Shi'a mosque in Karachi on October 1; Assistant Inspector General of Police in the NWFP, Farooq Haider, a Shi'a, on October 2; 5 students in a Sunni madrassah in Karachi, on October 2; Dr. Qaiser Abbas Sayyal, a relative of an advisor to the Prime Minister, along with several others, in a clinic in Lahore in early October. On October 6, Nisa Ali Hazara, A Shi'a member of the Baluch Assembly and the Baluchistan Education Minister, was shot and injured in

Quetta by masked gunmen as his car left the Baluch Assembly; his driver was killed. Also on October 6, two Shi'a homeopathic doctors, Al-e Hassan and Muttasim Hassan, were shot and killed at their home in Karachi by motorcycle gunmen; another doctor, Mohammad Nisar, an influential member of the Sunni Jamaat-i-Islami, was killed in Karachi earlier on the same day. Aun Mohammed Rizvi, a senior Shi'a official from the state-run television station, was shot and killed by motorcycle gunmen in Rawalpindi on October 7. The Punjab government ordered a crackdown on extremists in early October, as a result of which several hundred persons, including the leader of the SSP

In July the Government released Sunni extremist leader Mohammad Azam Tariq, chief of the SSP, who had been arrested in May 1997 and charged with the murder of a former PPP member of Parliament and in 58 other cases of murder, terrorism, and incitement to sectarian violence. The SSP and its militant offshoot, Lashkar-i-Jhangvi, frequently are involved in anti-Shi'a sectarian violence.

Ahmadis are often targets of religious intolerance, much of which is instigated by organized religious extremists. For example, in a July 1998 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 generally are present during these marches, the Ahmadis claim, but as a rule do not intervene to prevent trouble. A number of Ahmadis were injured seriously in attacks by religious extremists, and Ahmadi leaders attribute several killings of Ahmadis during the year to anti-Ahmadi extremists. The Majlis Tahafuz Khatam-e-Nabuwat (Committee for the Finality of the Prophethood) actively promoted an anti-Ahmadi agenda during the year. According to press reports, in August Religious Affairs Minister Raja Zafarul Haq asserted that "un-Islamic" activities would not be tolerated and sent a message of support to the international Khatam-e-Nabuwat movement. According to press reports, Muslim clerics called on President Tarar on April 23 to ask the President to extend the anti-Ahmadi ordinance to Azad Kashmir. There has been no progress in the 1998 killings of Muhammad Ayub Azam and Maleek Nasir.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service (see Section 2.c.). 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 the country'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 over-represented 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 (see Section 2.c.). For example, on October 22, a Christian church in Lahore was set on fire and sustained major damage. An individual was charged in connection with the incident the same day. There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

In August the leader of the Sunni religious party Jamiat Ulema-i-Islami (JUI), Fazlur Rehman, accused the Aga Khan Foundation of the killing of a Sunni religious leader and his nephew in Chitral and called for the closure of Aga Khan activities. The Sunni leader was killed by an Ismaili in a property dispute on August 19. The Aga Khan Foundation is a community service organization sponsored by Ismaili Shi'as. On November 4, a series of explosions killed one person and injured 30 others in Murdike. The militant Sunni extremist organization Lashkar-e-Taiba was holding its annual conference in the town at the time. In November 1998, nine members of a Christian family were killed and mutilated in their home in Nowshera, in an attack that some Christians alleged was sectarian. In December 1998, four family members were arrested and charged with the crime. They asserted their innocence to the press. Two alleged that they had been tortured to induce confessions; one of the family members who confessed was being tried at year's end.

Although there are few if any citizens who are Jewish, anti-Semitic sentiments appear to be widespread, and anti-Semitic press articles are relatively common.

## **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. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity. There is no provision allowing agricultural workers or teachers to unionize, as they are not defined as "an industry." Following assumption of

responsibility of the utility by the military, a presidential ordinance in December 1998 banned all union activity in the water and power development authority (employing 130,000 workers) for 2 years. The International Confederation of Free Trade Unions (ICFTU) reports that in July the government of Punjab announced that it had decided to curb the activities of unions and associations, including the All Pakistan Clerks' Association, because they were perceived as obstructing public policy.

Other restrictions on union activities include the Antiterrorism Ordinance of 1999 (ATO), promulgated in the early part of the year. The ATO codified the crime of a "terrorist act," including, "an act of civil commotion." Such acts are punishable by imprisonment of 7 years to life, as well as fines. "Civil commotion" include illegal strikes, go-slows, and lockouts. Under the original ordinance, those distributing, publishing, or pasting a handbill, or making graffiti or wall chalking "intended to create unrest" were subject to arrest. According to the ILO, this ordinance prevented leafleting, posters, or even word-of-mouth notices of public meetings. Later in the year, the ATO was renewed with an amendment eliminating references to handbills, graffiti, or the intent to create civil commotion (see Section 1.e. and 2.b.).

According to government estimates, union members make up only about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. 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. 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 usually are 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 eight major federations. The Government permits trade unions 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 ICFTU and to secretariats affiliated with the ICFTU.

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, because workers usually do not pursue redress through the courts, because they view the legal system as slow, prohibitively expensive, and corrupt.

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. Labor unions report that the practice of giving artificial promotions to make workers ineligible for union membership is prevalent in the financial sector.

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. Nearly 6,000 persons are employed there, according to government sources. In 1996 the cabinet decided to withdraw these exemptions beginning in January 2000. However, the Government has stated that it will honor agreements with investors regarding the exemptions, making it unlikely that the Export processing zone Authority provision will be lifted before 2001.

### **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 these prohibitions 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, and air and sea ports.

There is a reasonable basis to believe that hand made bricks and hand woven wool carpets are produced using forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A recent study by local unions suggests that over 200,000 families work in debt slavery in the brick kiln industry. There is no evidence that bonded labor is used in the production of export items such as 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 remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history, despite constitutional and legal prohibitions. 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 Government of Punjab has now reportedly enhanced its activities, particularly in regard to bonded and child labor.

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. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$1000 (PRs 50,000) in fines. 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 returned to bonded labor.

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.d.).

Trafficking in children is a problem (see Section 6.f.)

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 in 1998 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. Penalties for the violation of the act include fines of up to \$400 (PRs 20,000) or 1 year in prison. 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.).

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, are reportedly involved in woodcrafts and television repairs (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 worked. The child labor force was predominately male (73 percent) and predominately rural (71 percent). About 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal

services. In occupational terms, craft and related trade work accounted for about 19 percent of child laborers, while 71 percent worked 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. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, including domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries rank third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries. A survey conducted by the Human Rights Commission of Pakistan published in June noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8.

Child labor is widely employed in the carpet industry, much of which is family-run. Most children working in the carpet industry are female. Carpet manufacturers are working with ILO-IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Although surgical instrument manufacturers have taken steps to remove child laborers from their factories, child labor in this industry still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department, approximately 15 percent of the work force in the surgical instrument industry in Sialkot is made up of children; it is estimated that 7,500 such children are under age 14. According to a June report issued by Public Services International, the average age of children in the surgical instrument industry is 12; children in the industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of the sector 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. 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 May 1998, 83 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 1998; by March there were 138 such centers for women. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain workspace for stitchers as well as dining areas, child care centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system. Meals, child care, medical services, and use of the facilities are provided free of charge to Saga workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to

500 of which are held by women. By the end of the year, approximately 6,000 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 1998, the ILO and the Swiss Agency for Development and Cooperation launched a large scale project to combat child labor and child abuse in the NWFP.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of child labor laws remains a problem. There are relatively few child labor inspectors in most districts, and the inspectors often receive little training and have insufficient resources. By law the inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts--ranging from an average of \$7 (PRs 364) in the NWFP to an average of \$140 (PRs 7,280) in Baluchistan--do not serve as a significant deterrent. The 1991 Employment of Children Act allows for fines of up to \$350 (PRs 18,200). Often, penalties are not imposed on those found to be violating child labor laws.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from Pakistan's Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and from international organizations, operates 33 education centers for children, known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$6 per month (PRs 300), plus a small daily stipend of approximately \$0.10 (PRs 5) in exchange for sending their children to school. The children in the centers receive free schooling, uniforms, books, and meals. However, it appears that many children do not remain in these schools for more than 1 year; the schools are often in areas far from their clients; and it has been reported that some children are sent to these schools rather than to public schools, in order to qualify for the stipend. The Bunyad Literacy Community Council also runs schools for children. It focuses on children who work in the soccer ball industry, and its programs are aimed at transitioning children out of working and into mainstream schooling. Other local NGO's are involved in the elimination of child labor, as well, including Rugmark Pakistan, Sudhuur, and the Society for the Protection of the Rights of the Child.

#### **e. Acceptable Conditions at Work**

Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$38 (PRs 1,976) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The minimum wage is usually inadequate to

provide a decent standard of living for a worker and family, since families tend to be large.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Many workers are unaware of the regulations that protect their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leaves, health and safety standards in the workplace, health care, workers children's education, social security, employees old age benefits and a workers welfare fund. Employees earning more than \$60 (PRs 3,120) per month are not considered workers for the sake of these benefits.

The provinces have been ineffective in enforcing labor regulations, because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and weakly enforces existing legal protection. Workers cannot remove themselves from dangerous working conditions without risking loss of employment. There is a serious lack of adherence to mine safety and health protocols. For example, mines often have only one opening for entry, egress and ventilation.

#### **f. Trafficking in Persons**

Trafficking in persons, especially in women, is a significant problem, and the law prohibits the trafficking of women under age 21 into the country for sexual purposes, as well as kidnapping and slavery. However, 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.

Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. The Commission of Inquiry for Women 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 into the country each day from Bangladesh and are sold for both domestic labor throughout the country and for forced prostitution in Karachi. Press reports also indicate that the practice of buying and selling brides still occurs in parts of the NWFP and Punjab. Trafficking victims usually are deceived with false prospects of marriage or offers of work in legitimate jobs in Pakistan. Most are smuggled from Bangladesh through India to 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 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. Small numbers of escaped trafficking victims end up in shelters, but most do not, as there are few such shelters available. Many women who are not bailed out never are repatriated; rather, they languish in confinement while waiting to go home.

Women who are high school graduates reportedly cost approximately \$5,000 (PRs 260,000); less educated women who are not physically attractive reportedly cost approximately one-third as much. Some women sold in shops in Karachi reportedly are sent to Persian Gulf states, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

There are reports that Afghan and Bangladeshi girls are trafficked into the country for sexual purposes.

Young boys are trafficked from Pakistan to the Persian Gulf to work as camel jockeys; sometimes they are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. In July the case of an 8 1/2-year-old Pakistani boy was reported in the United Arab Emirates. He had been kidnaped in the city of Larkan in 1997 and smuggled through Iran to al-Ein in the Abu Dhabi emirate, where he was forced to work as a camel jockey. He was rescued by the police, who acted on a tip, and returned him to his parents. Within the country, 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 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.