

# Pakistan

## **Country Reports on Human Rights Practices, 2002 Released by the Bureau of Democracy, Human Rights, and Labor March 31, 2003**

Pakistan is a federal republic. From a bloodless coup in October 1999 to elections in October, Pakistan was governed by a Provisional Constitutional Order (PCO), which suspended the constitution and parliamentary government. On April 30, President Musharraf held a nationwide referendum to extend his presidency for 5 years, although critics and legal scholars argued that a president cannot be elected by referendum. President Musharraf claimed a 97.5 percent vote in favor of the extension; however, many independent observers cited evidence of systematic fraud and inflated voting figures. Shortly after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legislative Framework Order (LFO), which amended the suspended Constitution to allow: the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. One effect of the amendments was to concentrate executive power in the presidency at the expense of the legislature and prime minister. Opposition politicians, lawyers, civil society groups, and many in the international community expressed concern about the amendment package and its constitutional legitimacy. Under the auspices of the LFO-amended constitution, Pakistan held its first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. As a result of the elections, limited power was to be transferred to Parliament and the Prime Minister; however, by year's end, the assembly had met only twice and had not been permitted to debate any issues other than the Prime Minister's vote of confidence. On November 20, Mir Zafarullah Khan Jamali was re-elected as Prime Minister by the newly elected National Assembly, and in December Jamali won a parliamentary vote of confidence, which was required under the Constitution. President Musharraf and the military continued to dominate the Government led by the Pakistan Muslim League (Quaid-e-Azam). Electoral reforms implemented during the year included the elimination of separate electorates for religious minorities, the restoration of National Assembly seats reserved for women candidates, and an increase in the overall number of national assembly seats from 237 to 342. Corruption and inefficiency remained acute, despite reforms initiated by the Musharraf Government to reduce corruption; however, these reforms have had some effect on officials at higher levels of government. The Supreme Court demonstrated a limited degree of independence and the overall credibility of the judiciary remained low.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the 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 the paramilitary forces when they are assisting in law and order operations. In August despite criticism from human rights groups, the Government promulgated the Police Ordinance 2002 that included an increase in political control of the police. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Some members of the police committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth; its population was approximately 142 million. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy included 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, and there continued to be a strong private sector. The per capita annual income was approximately \$475. During the year, the Government pursued several economic reforms designed to alleviate poverty.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens participated in national government elections during the year; however, many observers alleged serious flaws in the legal framework for the election. Unlike in previous years, police committed an increased number of extrajudicial killings. There were fewer killings between rival political factions and sectarian groups during the year; however, there was an increase in violence against Christians. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. During the year, the Government undertook a major effort to curb religious extremism. Five organizations responsible for sectarian killings were banned by year's end, and the Government accelerated a crackdown on members of several extremist religious groups. Several major political leaders remained in exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influences, corruption, inefficiency, and lack of resources remained problems. The Government has taken steps to control the judiciary and to remove itself from judicial oversight. Some aspects of the Government's implementation of its anticorruption campaign violated due process. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abbasi were released on bail. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. Provincial and local governments occasionally arrested journalists and closed newspapers critical of the Government or allegedly accused of printing offensive material. The broadcast media remained a closely controlled government monopoly. Journalists were targets of harassment and violence by individuals and groups. On January 23, Wall Street Journal journalist Daniel Pearl was abducted by terrorists and later killed. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, including for security reasons. The Government imposed some limits on freedom of

association, religion, and movement. President Musharraf has spoken out against some of the human rights abuses of the previous government; however, the Government only made minimal progress toward achieving the goals set at conferences devoted to human rights themes that were held during the year.

Significant numbers of women were subjected to violence, rape, and other forms of abuse by spouses and members of society. The Government publicly criticized the practice of "honor killings" but such killings continued throughout the country; however, the Government intervened in two cases of tribal justice and prosecuted the alleged perpetrators. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Violence against children, as well as child abuse and substitution, remained serious problems. Female children still lag far behind males in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances, although the number of sectarian attacks against Shi'a professionals declined significantly. Terrorist attacks, particularly against Western and Christian targets, increased significantly. President Musharraf and several cabinet ministers publicly criticized efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread. On August 28, the Government passed the Prevention and Control of Human Trafficking Ordinance; however, trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

Police committed extrajudicial killings. There were reports that there was an increase in extrajudicial killings during the year; exact figures were unknown by year's end. The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters was common. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. In May militant Riaz Basra was shot and killed while being transferred in police custody in Punjab. In August four suspects associated with banned militant group Lashkar-e-Jhangvi were killed in a police encounter while being transferred in Vehari in Southern Punjab. In October Falak Sher died in police custody in Lahore (see Section 1.c.). Police also reportedly killed suspected criminals to circumvent or overcome insufficient evidence, to intimidate witnesses, judicial

corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country.

Amnesty International (AI) estimates that at least 100 persons died from police torture each year (see Section 1.c.).

On August 20, one protester was killed and 15 were injured when Army Rangers fired into a crowd of farmers in Okara. The farmers were protesting the army's demand that they sign leases for their farmland. The army blockaded several villages for two weeks and cut off power and water to the village in Okara. Several villagers remained hospitalized at year's end. The army investigated the incident; however, no one was charged in connection with the killing. There were no developments in the October 2001 killing of three protesters in Kuchlak or in the November 2001 killing of four demonstrators in Dera Ghazi Khan, Punjab.

During the year, the HRCP reported disturbances at prisons by prisoners over their mistreatment by prison staff. In 2001, eleven prisoners at Adiala jail in Rawalpindi beat a police officer for not allowing their visitors to meet with them. Similar incidents were reported in Sahiwal and Faisalabad districts in 2001. There were reports that four prisoners died in a riot in a Peshawar jail in October 2000; however, prison authorities denied these reports. No disciplinary actions were taken or charges filed in connection with the incident, and the Government is unlikely to take further action.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past used violence to further its aims claimed that the police specifically targeted its adherents for extrajudicial killings. On April 29, one member of MQM was killed in Karachi when an unknown person fired on President Musharraf's motorcade and police returned fire.

Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings. However, rare court-ordered inquiries into these killings resulted in few trials and no convictions. In general police continued to commit such killings with impunity. In September, two policemen were charged with killing a fruit vendor in Lahore. The two policemen allegedly pushed him into oil when he would not meet their payment demands.

Police professionalism was low. New officers received 6 months of training, and many hires were the result of political patronage rather than merit. Salaries and benefits were inadequate. In August 2001, the Government introduced a comprehensive package of police reforms. Key changes included transferring oversight of district superintendents of police (DSP) (a rank roughly equivalent to a lieutenant colonel) from federally appointed district commissioners to elected district mayors; granting DSPs permission to order the use of live fire on their own authority; and the establishment of public safety commissions at the district level. Under this system, a police officer who believes that the district mayor is abusing his authority over local law enforcement will have a place to seek redress. By year's end, the new system had not fully been implemented, and many local officials complained that the new system had no real control over the police.

There were high-profile killings during the year. On April 27, unknown gunmen killed two MQM leaders, Mustapha Kamal Rizvi and Nishat Malik in Karachi. Widespread

unsubstantiated speculation surrounded the June 24 death of former Federal Minister of Labor and party leader Omar Asghar Khan, despite official reports that the death was a suicide. Khan resigned from his position in December 2001 to create his own political party, the Qaumi Jamhoori Party. Khan planned to contest elections in October. At year's end, the investigation into his death continued.

There reportedly was no action taken against the responsible militants in the following 2001 cases: The October killing of a police officer and 16 worshippers at St. Dominic's Church in Bahawalpur or the December killing of Ehteshamuddin Haider, brother of Interior Minister Moinuddin Haider.

There were numerous bombings during the year. For example, on March 17, 5 persons were killed, including 2 dependents of a U.S. diplomat, and 41 persons were injured, in Islamabad when an unknown individual threw 6 grenades into a Protestant church during services (see Section 2.c.). On May 8, 11 persons were killed when a suspected suicide bomber rammed a shuttle bus at the Sheraton hotel in Karachi. On June 14, 12 persons were killed when a bomb exploded outside the U.S. Consulate in Karachi. On November 15, two persons were killed and nine persons were injured when a bomb exploded at a bus station in Hyderabad, approximately 100 miles from Karachi. No one claimed responsibility for any of these acts.

Sectarian violence and tensions continued to be a serious problem throughout the country. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued, although the number of Shi'a professionals killed in Karachi and elsewhere decreased significantly. In addition, Ahmadis, Christians, and other religious minorities often were the targets of such violence. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen.

For example, on January 1, the Sunni prayer leader of a suburban Usman Ghani Mosque was shot and killed by unknown assailants when he returned home in Karachi. On February 4, Jhang Police Inspector Mohammad Jamil was killed after conducting several successful operations against the Lashkar-e-Jhangvi. The same day, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On April 26, 12 persons were killed and 25 injured when a bomb exploded at a Shi'a place of worship in Bhakkar.

Numerous such killings remain unresolved. On August 14, 2001, unidentified motorcycle riders shot and killed Rizwan Shah, an activist, in the Harkatuk Ansar. During the year, police made no arrests in connection with past sectarian killings.

Honor killings were a problem. HCRP estimated that more than 200 women were killed by family members in so-called honor killings; however many more women are believed to be affected by this crime. For example, HCRP reported that in Punjab, approximately 280 incidents of honor killings were recorded during the year. Of these 280 incidents, 150 of the women were married and 103 women were single; 17 women were harmed by their fathers, 100 women were harmed by their brothers, 86 women were harmed by their husbands, 11 by their in-laws, 29 by other relatives, 12 by sons, and 23 were harmed by unknowns. Mehvish Miankhel, a member of an influential political family in Dera Ghazi Khan, allegedly was killed by her uncle in April 2001 after her uncle accused her of having an affair. A criminal

complaint was filed against Miankhel's uncle, father, grandfather, two cousins, and two maternal uncles on July 7. All were granted pre-arrest bail and were not detained. During the year, police made no arrests in connection with the 2000 killing of Mumlikat Bibi (see Section 1.f.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. In May at the height of the Indo-Pakistani tensions, villages along the border were evacuated. Approximately 194 civilians were killed on the Pakistani side of the line of control at year's end, according to a government official.

## **b. Disappearance**

Unlike in previous years, there were no credible reports of disappearances at the hands of the security forces.

In the intra-Mohajir violence in Karachi, victims sometimes first were held and tortured by opposing groups (or, as the Muttahida Quami Movement (MQM) - Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally were dumped in the street soon after the victims were abducted; however, the incidence of such crimes decreased greatly during the year.

In July 2000, retired Major General Anwar Sher and an Afghan aide, Abdul Qaer Shariati, disappeared; they were active in organizing Afghans to pursue a peace process. There were no new developments in the case during the year.

On January 28, militants kidnaped and killed foreign correspondent for the Wall Street Journal Daniel Pearl in Karachi. The militants reportedly were part of a group called the National Movement for the Restoration of Pakistani Sovereignty; however, police later arrested Salman Saquib, Fahad Naseem, Sheik Adil, and prominent Islamic militant Sheik Omar Saeed. All four defendants were affiliated with the terrorist organization Jaish-e-Mohammed (JEM). In Hyderabad on July 15 all four defendants were found guilty; Sheik Omar Saeed was sentenced to death; the other three defendants were sentenced to life in prison.

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

The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, police regularly tortured, and otherwise abused persons. Police routinely used force to elicit confessions; however, there were fewer reports of torture by police during the year. Some human rights groups stated that this decrease reflects the influence of army monitoring teams, who discourage the use of torture; other observers suggested that the frequency of torture remained unchanged, but the media devoted less attention to the issue during the year. Human rights observers suggested that, because of widespread torture by the police, suspects usually confessed to crimes regardless of their actual culpability; the courts subsequently threw out many such confessions. According to the Society for Human Rights and Prisoners Aid (SHARP), 38 deaths due to police torture were reported during the year.

Police personnel continued to torture persons in custody throughout the country. A newspaper reported that there were 80 cases of torture in police custody in Lahore.

Common torture methods included: 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.

Human rights organizations and the press have criticized the provision of the Anti-Terrorist Act that allows confessions obtained in police custody to be used in "special courts," because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law.

There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. However, the Citizens Police Liaison Committee (CPLC) reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during 2001 (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 60 Punjab police officers reportedly were punished for various offenses. Cooperation between the CPLC and the police human rights complaint unit resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999.

The Hudood Ordinances, which aimed to make the Penal Code more Islamic, provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes. These so-called Hadd punishments require a high standard of evidence. For example, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In over 20 years since the Hudood Ordinances were adopted, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines were imposed. In April a court convicted Zaafran Bibi of adultery and sentenced her to death by stoning. Bibi initially accused her brother-in-law of rape in March 2001, claiming the incident took place 2 weeks prior to her filing the charge. A medical exam at the time determined that she was pregnant, and her husband claimed paternity for the child. On June 6, the Federal Shariat Court acquitted Zaafran Bibi of adultery and ordered her release. The Hudood Ordinances were applied to Muslims and non-Muslims alike.

Special women's police stations have been established in response to growing numbers of complaints of custodial abuse of women, including rape. These stations were staffed by female personnel, but receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal results. According to the Government's Commission of Inquiry for Women, the stations did not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. A Lahore newspaper alleged that of 80 confirmed cases in Lahore of police abuse, 3 were against women. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

Police used excessive force against demonstrators during the year (see Section 2.b.).

Police at times also beat journalists. In April journalists were beaten as they staged a walk-out on a pro-referendum rally in the Punjab. Six journalists were injured (see Section 2.a.).

Impunity remained a problem. Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them; investigating officers generally shield their colleagues. However, in May 2001, the Supreme Court upheld the Lahore High Court's January 2001 conviction of two government doctors for submitting false statements regarding police torture of prisoner Nadeem Iqbal.

Police corruption was widespread. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police accepted money for registering cases on false charges and tortured innocent citizens. Persons paid the police to humiliate their opponents and to avenge their personal grievances. District police authorities in Gujranwala in Northern Punjab dismissed 60 policemen for corruption. At least eight police officials in Punjab were convicted for corruption and fined or imprisoned. Police corruption was most serious at the level of the Station House Officer (SHO), the official who runs each precinct. Some SHOs widely were believed to operate arrest-for-ransom operations and to have established unsanctioned police stations to collect illicit revenue. An August 2000 news report listed seven such stations in Karachi. SHOs were powerful; although no such incidents were reported during the year, some were believed to have killed superior officers who tried to stop corrupt practices in the past. Senior government officials have confirmed that police stations, and assignments therein, were sold to interested parties who then proceed to recoup their investment through illicit activities.

During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. In Gujranwala, in northern Punjab, district police authorities dismissed 60 policemen and 15 others were retired compulsorily on the charges of corruption and inefficiency in the first six months of the year. In Lahore, six police officials were convicted of taking bribes and sentenced to two years of imprisonment and fined. In August 2001, the Government implemented reforms at the local level that included taking responsibility for the police away from the nonelected District Commissioners while granting oversight authority over the police to the newly elected district nazims (mayors) and newly organized Public Safety Commissions (that are composed of elected and nonelected members). The impact of this reform remained unclear at year's end, although some critics claimed that the reforms will make it easier for politicians to order the police to intimidate and harass their political opponents. Senior government officials predicted that it will take several years of sustained political and financial commitment before positive gains are achieved. At year's end, the Public Safety Commission had not been established due to financial constraints. Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuses persisted.

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

Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to the HRCP, SHARP, and International Human Rights Monitor (IHRM), there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In Adiala Jail in Rawalpindi had prison population of 5,521 in a space designed for 1,800. The HRCP claimed that in a Punjab jail, built to house 17,637 prisoners, contained 56,599. An IHRM report claimed 24 prisoners died in Adiala Jail during the year due to improper health care, poor hygienic conditions and rotten food. IHRM estimated 1,700-2,500 deaths per year due to poor conditions nationwide. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors and no furnishings. Prisoners in these cells reportedly suffered the most abuse, including beatings and forced kneeling for long periods of time. Unsanitary conditions were common in small, poorly ventilated, and decrepit colonial-era prisons, which mainly were considered class "C." Inadequate food led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries often remained in prison long after their sentences were completed because there was no one to pay for their deportation to their home country. Government officials claimed that years of inadequate budgets were the reason for poor prison conditions. "B" cells often were used for prisoners with a university education or who benefit from political connections. Conditions in "A" and "B" cells were markedly better; prisoners in these cells are permitted to have servants, special food, and satellite television. Authorities reserved "A" cells for prominent persons, including political leaders. Especially prominent individuals--including some political figures--sometimes were held under house arrest and permitted to receive visitors.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. No cases concerning the fettering of minors were reported in the press during the year.

There were reports of prison riots. On November 14, a riot broke out in Sahiwal district jail and one policeman and 20 prisoners were injured. One prisoner later died. The prisoners were allegedly sent to District Jail Kasur where two of them were killed because of severe police torture. No action was taken and no details were provided after the incident.

Female detainees and prisoners were held separately from male detainees and prisoners. According to the Progressive Women's Association, there were approximately 2,765 women in jail nationwide at year's end. Pretrial detainees often are not segregated from convicted criminals.

There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general prison population. Punjab has two jails for juvenile offenders, and Karachi has an industrial school for juvenile offenders. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. There were few educational and recreational facilities available for

youth offenders. Many children in prison were born to female inmates who were sexually abused by prison guards. Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders; however, in practice children and adults essentially are treated equally. According to a local NGO, an estimated 4,992 children were held in the nation's prisons at the end of 2001, compared with 4,200 in 2000. Imprisoned children often spent long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. Children were subject to the same delays and inefficiencies in the justice system as were adults (see Sections 1.d. and 1.e.). Human Rights Watch (HRW) reported that children frequently were beaten and even tortured while in detention; usually this was done to extract confessions, but it was 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 was a problem.

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There were two facilities--one in Karachi and one in Bahawalpur--that serve as reform schools for juvenile offenders. 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 were poor, similar to those found in jails. Abuse and torture of the children in such institutions was 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 were inadequate. Extortion on the part of the staff at such institutions reportedly was widespread; parents of inmates often were required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also was a problem; some children reportedly developed drug habits while in these institutions and were supplied drugs by their guards.

Landlords in Sindh and political factions in Karachi operated private jails (see Section 1.d.).

The Government permits visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (see Section 1.d.).

#### **d. Arbitrary Arrest, Detention, or Exile**

The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law, and police arbitrarily arrested and detained citizens. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO 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, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may 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. The Musharraf Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance (NAO) initially permitted those suspected of corrupt practices to be detained for 90

days without charge (see Section 1.e.). In April 2001, the Supreme Court modified several provisions of the NAB ordinance. It reduced the NAB's freedom to hold suspects without charge from 90 days to 15 days, renewable with judicial concurrence. The maximum period of disqualification from political office pursuant to a corruption conviction was reduced from 21 years to 10 years, and the court required that future appointments of key NAB officials receive the Chief Justice's concurrence. In January the Government detained more than 2,000 members of banned extremist and jihad groups. At year's end, all were released on bail after the charges were filed. In addition to the arrests, police closed and sealed offices of the five newly banned groups.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant and have been known to file FIR's without supporting evidence. FIR's frequently were 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; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, if the case is dropped for lack of evidence, another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

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 observe fully 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 detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.).

The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. On June 22, a woman in Meerwala, Punjab, was gang-raped on the orders of a council of tribal elders as punishment for her brother's alleged affair with a woman of a higher tribe. Authorities alleged that the tribal jury threatened to have all women in the family raped unless the girl submitted to the punishment. Government authorities were notified a few days after the incident and the Punjab police arrested eight suspects, including the alleged rapists and some individuals who pressed the tribal council to issue the verdict. On August 31, an Anti-terrorist Court ruled that four rapists and two jurors should receive the death penalty. The court awarded life imprisonment and a fine to each of the other four defendants. At year's end, the cases were appealed with the Appellate

Tribunal. At year's end, President Musharraf sent the girl \$8,300 (PKR 500,000) as compensation (see Section 5).

The police also have been known to detain persons as a result of 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. During the year the HRCP estimated that there were almost as many individuals awaiting trial in jail as there were prisoners serving sentences. The HRCP reported that in Punjab 35,260 males were awaiting trial, while only 11,068 males had been convicted. In 1999 in 62 city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police had not even brought a "challan," or indictment, to the court.

Persons in jail awaiting trial sometimes were held for periods longer than the sentence that they would have received if convicted. Court officials reported that each judge reviews between 70 and 80 cases per day, but that action was taken on only 3 or 4 each week. According to the Pakistan Law Commission, there were 10,515 cases pending in the Supreme Court as of September 30, 2001. 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 from provincial and federal officials to achieve high conviction rates, persuaded detainees to plead guilty without informing them of the consequences. Senior government officials acknowledged during the year that this was a problem. Politically powerful persons also attempted to influence magistrates in their decisionmaking, sometimes threatening to transfer magistrates to other assignments.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for more than 5 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto in 1997. In April 1999, Zardari was tried and convicted separately on corruption charges. In December 2001 Zardari received bail but was not released; the NAB ordered his continued detention on suspicion of corruption.

The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers (see Section 1.c.), with some restrictions. In some cases, authorities refuse family visits and, in some police stations, persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court but generally are refused permission for prison visits. Local human rights activists reported few restrictions to their access to prisons, even though the Government continued to deny prison visits by the ICRC.

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.). The antiterrorist courts reportedly sentenced 39 persons to death during the year.

The Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings. On a number of occasions, police arrested persons prior to demonstrations under the Criminal

Procedures Code ban (see Section 2.b.). These arrests were carried out under Section 16 of the Maintenance of Public Order Act, which prohibits speech that "causes or is likely to cause alarm to the public."

Despite governmental claims that NAB cases would be pursued independent of an individual's political affiliation, NAB had selectively targeted certain persons in the anti-corruption campaign (see Section 1.e.). As of the end of October, the NAB filed 507 cases, with 287 convictions, 39 acquittals, 6 case withdrawal and 220 cases in progress. Senior opposition figures charged that NAB threats were used to pressure politicians to join the PML-Q, run as independents, or vote for Prime Minister Jamali in the vote of confidence during the year. For example, according to HRW, Aftab Sherpao, an influential PPP leader and former chief minister from the North-West Frontier Province (NWFP) returned this year from London to face corruption charges. He subsequently was acquitted after his faction of the PPP pledged its support for Musharraf in the referendum on his presidency. At year's end, Sherpao was elected to the National Assembly and became Minister for Water and Power.

During the year, few journalists reportedly were arrested, according to the NGO Journalists for Democracy and Human Rights. The police charged journalists at a referendum rally in April. In September several journalists attempting to travel into Afghanistan reportedly were detained.

Following the 1999 coup, the Musharraf Government detained without warrants and without charges several dozen political figures, military officers, and government administrators. At year's end, most of them had been released. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abbasi were released on bail.

In December 2000, the Government commuted former Prime Minister Nawaz Sharif's prison sentence, confiscated assets belonging to the Sharif family, and exiled him and 18 of his family members to Saudi Arabia for 10 years. During the year, Saifur Rehman and Saeed Mehdi Sharif were acquitted of maintenance of public order charges. Sharif also had to agree to withdraw from politics while in exile. Some observers claimed that the Government exiled Sharif both to remove him from politics and to reduce the power and influence of the opposition.

Many persons apprehended by the NAB (see Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge. During the year, Mian Manzoor Wattoo, Sattar, and Dr. Farooq Sattar were released from custody; however, Sattar's 2000 conviction on widely disputed corruption charges continued at year's end.

Hundreds of MQM activists have been arrested since November and remained in custody at year's end; some of these activists were being held without charge. According to MQM officials, police have arrested more than 700 MQM officials during the past 3 years. In April a Hyderabad MQM organizer was charged with inciting people to violence during a strike and on April 19, the Government arrested MQM Senator Aftab Shaikh.

Women were charged under the Hudood Ordinances for sexual misconduct, such as adultery. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases were

filed without supporting evidence. In 1998 approximately one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance were acquitted, but the stigma of an adultery charge alone is severe. Men accused of rape sometimes were acquitted and released, while their victims were held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed, saying they are based on an erroneous interpretation of Shari'a (see Section 5).

Private jails exist in tribal and feudal areas. Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentenced persons to the death penalty in defiance of provincial laws.

AI reported that both citizens and non citizens were arbitrarily arrested on suspicion of being al-Qa'ida or Taliban fighters, and some of these persons were deported to their home countries. However, the exact number of those detained, arrested or deported was unknown by year's end.

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

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch and other outside influences, and despite the Musharraf Government's pledge to respect the independence of the judicial system, the Government took steps to control the judiciary and to remove the Government from judicial oversight. On August 22, the Legal Framework Order (LFO) amended the Constitution and the PCO to allow: The empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; formalized the role of the army in governance by the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. The PCO issued in October 1999, provided that all courts functioning at the time of the coup would continue to operate, but that no court would have the power to issue orders against President Musharraf or any person exercising powers or jurisdiction under his authority. President Musharraf further undermined the independence of the judiciary when he ordered all Supreme Court, Shari'at court, and provincial High Court justices to take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO no longer were subject to judicial review, including the LFO which brought about fundamental changes to the Constitution. Some government officials claimed that President Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body. In June the Supreme Court ruled that the October referendum was constitutional and further

cast doubt on the independence of the judiciary from the military government (see Section 3).

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 held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary was considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. In 2000 the Supreme Court ruled that it was legal for the Musharraf Government to amend the Constitution as long as the amendments did not change the basic character of the Constitution, and reserved the right to review the military's performance, the continued necessity of the Emergency Proclamation, and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory. The Government respected this ruling during the year. In April 2001, the Supreme Court also modified several provisions of the NAB ordinance, and the Government respected the amended provisions during the year. Despite these decisions, the overall credibility of the judiciary remained low.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There were 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 appeals process in the civil system was: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression was magistrate, sessions court, High Court, and the Supreme Court.

The civil judicial system provided for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys were appointed for indigents only in capital cases. There were no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal codes, there were bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, were able to obtain prearrest bail, and thus were spared arrest and incarceration.

Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. During 2001 the Lahore High Court ordered the release of eight prisoners, including five foreign nationals, who had served their sentences under the Customs Act and were awaiting trial for a narcotics charge arising out of the same incident. The court noted that the law did not allow punishment twice for the same offense.

The judiciary argued that it failed 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 Anti-Terrorist Act was passed; special antiterrorist courts began operations in 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined

procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the act, terrorist killings were punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to stir up religious feelings; efforts to "wage war against the State;" conspiracy; acts committed in abetting an offense; and kidnaping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnaping and killing, the Meerwala gang rape incident, and the Okara farmer protest. Cases were to be decided within 7 working days, but judges were free to extend the period of time as required. Trials in absentia initially were permitted but later were prohibited. 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 Anti-Terrorist Act, bail was not to be granted if the court has reasonable grounds to believe that the accused is guilty.

In June 2001, the Musharraf Government approved an amendment to the Anti-Terrorist Act. The new ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause." In November the Government approved an amendment to the anti-terrorism law; however, it has yet to be ratified by the Parliament. The new amendment gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them for up to a year, without charges filed against them.

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 to the reduction in sectarian violence 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 persons have been tried, convicted, and executed under these provisions.

The Musharraf Government created by ordinance a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as was usually the case. The amended provision permitted 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 help the Musharraf Government prosecute Sharif. The 2000 trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an antiterrorist court. Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. In October 2000, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Sharif's sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

The Musharraf Government in 1999 created by ordinance the NAB and special accountability courts to try corruption cases (see Section 1.d.). The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) that was estimated to be owed to the country's banks (all of which were state-owned at the time; several have since been privatized) by debtors, primarily from among the wealthy elite. The Musharraf Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees.

The ordinance also allowed those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, did not allow access to counsel. In accountability cases, there was a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment, fines, and confiscation of property. Those convicted also originally were disqualified from running for office or holding office for 10 years. In August 2000, the Government announced that persons with a court conviction would be barred from holding party office. This provision was used during the general election to prevent certain candidates from entering the contest.

Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, NAB has taken a selective approach to anti-corruption efforts (see Section 1.d.).

The Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. However, in May former Chief of the Naval Staff Mansoor ul-Haq was charged with corruption under the NAB ordinance. Ul-Haq pled guilty, agreed to repay the money, and was released in January. The Government also withdrew the privilege of retention of the rank of admiral. During 2001, Jehangir Badr, Mehtab Abbasi, and Javed Hashmi were arrested by the NAB; all but Badr were released by year's end.

The Hudood ordinances criminalize nonmarital rape (see Section 5), extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses were 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 were tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments were mandatory if there was enough evidence to support them. Hadd punishments regarding sexual offences were most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four 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. The testimony of four female witnesses, or that of a rape victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, 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, under which sentences may be imposed of up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was 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).

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 the NWFP--Malakand and Kohistan--the Government in 1999 announced plans to implement Shari'a law by regulation and by ordinance, respectively. In September 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (see Section 2.c.). In November, the new MMA-led government of NWFP reportedly affirmed to the media its plan to implement Shari'a law in the province. However, no information was given as to when the plan would enter into force.

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

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas was not known to have been invoked; however, Diyat occasionally was applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances applied to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in noncapital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. Some persons remained in prison after completion of their terms for failure to pay Diyat.

Administration of justice in the FATA normally is 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 were federal civil servants assigned to tribal agencies, oversaw such proceedings and could have imposed prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conducted punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial

punishment of residents for having tolerated nearby criminal activity (see Section 1.f.).

In previous years, in remote areas outside the jurisdiction of federal political agents, tribal councils levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of 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--to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (see Section 5). In Meerwala, Punjab a woman was gang-raped on the orders of a council of tribal elders (see Sections 1.d. & 5). In a village outside Mianwali, a tribal council permitted a family to give eight girls, ages 5 to 16, in marriage to another family, in exchange for the commutation of the death sentence for four family members.

There were reports of approximately 10 political prisoners in custody at year's end. Some political groups also argue that they were marked for arrest based on their political affiliation (see Section 1.d.). The MQM in particular has argued that the Government used antiterrorist court convictions in Sindh to silence its activists; however, there were no political arrests during the general election campaign.

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

The Government infringed on citizens' 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 an alleged terrorist act (which is defined very broadly). This provision never was tested in the courts. The Government promulgated new antiterrorist ordinances in October 1998, April 1999, and in August 2001. The purpose of the 2001 ordinance was to strengthen the power of the judiciary to prosecute terrorism cases. Under the ordinances, many blasphemy cases were tried by antiterrorist courts. By law the police need a warrant to search a home, but not to search a person. Despite this law, police entered homes without a warrant and sometimes stole valuables during searches. Specifically, human rights activists criticized the new Police Ordinance 2002 for broadening police power to search and enter homes. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom were punished for illegal entry.

The Government maintained several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicated that the authorities routinely use wiretaps and intercepted and opened mail. The Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations; however, the judiciary's directive has been ignored widely. No action was taken during the year in the 1996 case of 12 government agencies accused of tapping and monitoring citizens' phone calls and no additional action was expected.

Unlike in previous years, provincial governments did not forcibly move landless laborers from their temporary camps.

Civil marriages do not exist; marriages are performed and registered according to one's religion. 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 Section 2.c.).

While the Government generally does not interfere with the right to marry, the Government on occasion assisted influential families to prevent marriages they oppose. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June 2000, Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (see Section 1.a); his trial was ongoing at year's end.

In some cases, the authorities have detained relatives in order to force a family member who was the recipient of an arrest warrant to surrender (see Section 1.d.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or to blockade an entire village (see Section 1.d.).

## **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 generally were free to discuss public issues; however, some journalists practiced a degree of self-censorship. The Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly were critical of the Government; however, direct criticism of the military and judiciary was rare. In September 2001 the Ministry of Information directed the media to avoid direct criticism of the United States or of the Government's cooperation in combating terrorism. However, unlike in the past and despite restrictions imposed on the electronic media, foreign journalists operating in the country were permitted to broadcast stories without obtaining prior clearance from the Ministry of Information. Investigative journalism was rare; instead, the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

During the year, the Government established a 21-member Press Council, to oversee the quality of journalism in the country. The Council is made up of senior press editors, journalists, and the Secretary of Information. In September the Government promulgated the Defamation Ordinance, which required accused journalists to produce proof of their stories in court. If the proof was not produced, the journalists could be fined approximately \$900 (PKR 50,000) or sent to prison for 3 months. The editors of the national press widely criticized this promulgation.

The Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary. The Penal Code mandates the death sentence for anyone defiling the name

of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.). The Anti-Terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant was required to seize such material.

In January the Government further amended the Anti-Terrorist Act to ban five of the extremist Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Mohammed, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi groups (see Sections 2.b. and 2.c.); the amendments also made any person who printed, published, or disseminated any material from these organizations subject to 6 months' imprisonment.

Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. In March Shaheen Sehbai, the influential editor of the English-language newspaper *The News*, resigned. He alleged that he was leaving under pressure from the Government. In January 2001, the Government closed the *Frontier Post*, an English-language daily based in Peshawar, and arrested five members of its staff after the *Frontier Post* published a letter to the editor that allegedly contained derogatory characterizations of the Prophet Mohammad. Most of the staff later was released on bail, and the paper was permitted to reopen after a period of several months. However, the paper's presses were burned by a mob in January 2001, reportedly while the police stood by and did little to stop it.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually were circumspect in their coverage of sensitive domestic news and tended to follow a government line; however, there were some controversial news stories published during the year. For example Online news agency discussed the Intelligence Agency's (ISI) alleged manipulation of the October elections.

Privately owned newspapers freely discussed public policy and criticized the Government. They reported remarks made by opposition politicians, and their editorials reflected a wide spectrum of views. Local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests exerted heavy pressure on newspapers to carry their statements or press releases. Such pressure was a common feature of journalism; among extreme groups it can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. The police investigation of the 2001 attack of the bureau chief of the Hyderabad newspaper *Ummat*, was ongoing at year's end. At times landlords and their agents, who have become accustomed to terrorizing with impunity the citizens living on their lands, retaliate against journalists who report on their actions. Journalists working in remote areas could expect more difficulties from local authorities and influential individuals than their urban counterparts. However, violence against and intimidation of journalists was a nationwide problem.

The Government occasionally denied visas to journalists who were from India or were of Indian descent.

The broadcast media were mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV), although private cable channels broadcasting from abroad had a growing audience. Domestic news coverage and public affairs programming on these media were controlled closely by the Government and traditionally reflected its views. One private radio station, one television broadcaster, and a semi private cable television station were licensed under special contractual arrangements with the Government. The semi private television station, Shalimar Television Network (STN), occasionally rebroadcast PTV news. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, were foreign news stories censored for content. The Ministry of Information exercised some influence over broadcasting by restricting government advertising. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

During the year, 22 licenses were issued to private sector entrepreneurs and 3 were operative by year's end. Three television broadcasters, and a semi--private cable television station were licensed under special contractual arrangements with the government. Two satellite channels, Geo and Indus News, were also issued licenses. These two private sector news broadcasters were given liberty to report freely.

Satellite dishes readily were available on the local market and were 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 important sources of news and popular entertainment. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content."

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to vie with and criticize each other publicly. Although the press rarely criticizes Islam as such, leaders of religious parties and movements were not exempt from public scrutiny and criticism. In September 2001 several newspapers published letters to the editor that were critical of religious parties that continued to express support for the Taliban. Sufi Mohammad, the leader of a prominent political Islamic group, was criticized for his role in encouraging teenage boys to fight for the Taliban.

The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) held press coverage of military matters under close restraint. However, after the 1999 coup, journalists reported no attempts by the ISPR to influence editorial content. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers also were discussed widely in the press, and newspapers published calls for extending the accountability process to include former military officers. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year.

Reports of intimidation, heavy-handed surveillance, and legal action to quiet unduly curious or nondeferential journalists were common in the past, but these reports have declined significantly since the coup. During the year only a few journalists were arrested, according to the HCRP. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there had been fewer such complaints since the coup. According to HRW, on July 25 editor of the daily Jasarat, Muzaffar Ejaz reportedly was abducted by members of the ISI and interrogated about the publication of a controversial article on faction politics in the Muslim League. He was released the next morning.

In September 2001, the Government enacted the Freedom of Information Ordinance, which required every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the law excluded all classified documents and did not define what constitutes classified information.

On April 14, police assaulted journalists in Faisalbad, Punjab province, during a rally staged to promote the October referendum (see Section 1.c.). According to the Committee to Protect Journalists (CPJ), 15 journalists were injured and a large number of civilians were hurt. On April 15, Information Minister Nisar Memon expressed regret over the attack and ordered an inquiry into the incident. There were no reports of any action taken against the responsible members of the police who used excessive force to disperse demonstrations during the year.

On May 4, unknown persons shot and killed the editor of Urdu daily "Kohistan" while he was in his office in Lahore. On October 22, unknown assailants attacked and killed a prominent journalist, Shahid Soomro, while he was in his home in Kandhkot. No one claimed responsibility and police officials have yet to identify any suspects.

There were no further developments in the following 2001 cases: Shakil Shaikh, Abu Bakar Siddique, Hayat Ullah, and the two British journalists expelled, allegedly for being involved in activities that defamed the country.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but likewise are subject to censorship for objectionable sexual or religious content. In September 2001, the Government censored an article in Newsweek magazine concerning the case of Dr. Younis Shaikh, who was arrested on blasphemy charges in October 2000 and sentenced to death in August (see Section 2.c.). However, the Government permitted the publication of the same article in a Pakistani magazine.

Obscene literature, a category broadly defined by the Government, was subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, were broadcast on television; however, some sensitive series have been canceled before being broadcast. In December police detained two dozen movie theater and video shop owners in a crackdown on pornographic and unlicensed cinemas by the new Islamist government of the North-West Frontier. The provincial

police chief, Muhammad Saeed Khan, also issued a statement that set a 48-hour deadline for the police to remove "vulgar and obscene" billboards.

The Government generally respected academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to threaten academic freedom, despite a Supreme Court ruling that prohibited student political organizations on campuses. On some university campuses, well-armed groups of students, primarily from radical religious organizations, had armed clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus contents, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, controlled who was admitted to the universities, and sometimes also controlled the funds of the institutions. Such control generally has been achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. At Punjab University, the student wing of the political party Jaamat-i-Islami (the largest Islamic political party) attempted to continue to impose its self-defined code of conduct on teachers and students by threatening to foment unrest on campus if its demands were not met.

## **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, the Government imposed significant restrictions on this right during the year. Rallies and processions on streets, roads, and railway stations remained prohibited, and provincial and district administrations were given authority to determine the time and place of meeting. Ahmadis have been prohibited from holding any conferences or gatherings since 1984(see Section 2.c.). Throughout the year, the Government occasionally interfered with large opposition rallies, which were held by an alliance of political parties. In March 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. During the election campaign, the Government approved some public political gatherings, including pro-government and opposition candidates rallies and outdoor meetings. During the year, the ban was enforced unevenly.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, on April 21, the Government prevented a protest and arrested several party leaders by the Jamaat-i-Islami (JI) party in Lahore, even though the JI officials claimed they received prior permission for the protest. On July 12, police blocked roads leading to the city square and arrested nine local Alliance for the Restoration of Democracy (ARD) leaders after the party attempted to hold a rally against the draft constitutional amendments. The Government generally allowed all Islamist parties to hold rallies and campaign; however, the government denied rally permits to secular parties.

In previous years, the MQM had been harassed in its regular political activities, especially by the Sindh police. Police frequently arrested PML leaders and supporters

in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party's headquarters (see Section 1.d.).

Police sometimes used excessive force against demonstrators. On July 29, police shot and killed four protesters in Islamabad. The demonstrators were protesting their eviction from a sector in Islamabad.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, the Government limited this right in practice. NGOs were required to register with the Government under the "Cooperative Societies and Companies" Ordinance of 1960. NGOs usually register through the Ministry of Social Welfare and must submit to a 6-month probationary period during which the Government tracks their activities. NGOs also are required to submit a progress report after the completion of this period, and then they are registered formally. No prominent NGO reported problems with the Government over registrations during the year.

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

The Constitution provides for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. The country is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July 2000, President Musharraf amended the PCO in order to incorporate the Islamic provisions of the Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there was no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts were common. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who commit them, which contributed the impunity for acts of violence and intimidation against religious minorities.

All citizens, regardless of their religious affiliation, were subject to certain provisions of Shari'a. In the Malakand division and the Kohistan district of the NWFP, ordinances required that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna (tradition) of the Prophet Mohammed. Islamic law judges, with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, tried all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply.

The Constitution protected religious minorities from being taxed to support the majority religion; no one may be forced to pay taxes for the support of any religion other than his own. For example, Sunni Muslims are subject to the "zakat," a religious tax of 2.5 percent of their income; however, Shi'a Muslims and other religious minorities do not pay the "zakat."

In January the Government eliminated the separate electorates system which had long been a point of contention between religious minorities and human rights groups on the one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents regardless of religious affiliation. Minority group leaders believed this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims were active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorates system.

During the year, the number of cases filed under the blasphemy laws continued to be significant. A Christian NGO reported that 58 cases were registered during 2000 and 2001, compared to 53 cases during 1999-2000. In October 2000, police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Ahmad remained in custody and his trial had not been concluded at year's end. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. On July 5, a mob of approximately 300 persons killed a 48-year-old Muslim on the fatwa of a cleric in the central Punjab province. The man previously had been charged with blasphemy; however, he was acquitted on the grounds he was mentally ill.

In July HRW reported that Wajihul Hassan was sentenced to death for allegedly having made phone calls to the complainant that contained derogatory remarks about the Prophet. In April 2001, police registered a blasphemy case against Pervez Masih, a Christian in Sialkot District, Punjab. Masih, who owns a private school, was arrested under section 295(c) of the Penal Code and placed in Sialkot District jail where he remained at year's end. Christian leaders alleged that the case was filed at the behest of Mohammad Ibrahim, a Sunni Muslim educator who owned a rival school in the same village. In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each \$1,500 (PKR 75,000) for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. Lawyers for the brothers filed an appeal in the Lahore High Court that was to be heard in January 2001; however, the hearing was rescheduled for February after the judge in the case retired. The two brothers remained in detention at year's end. By year's end, the Supreme Court dismissed the blasphemy case against Ayub Masih who was released after 6 years in solitary confinement.

Police also arrest Muslims under the blasphemy laws; government officials maintain that approximately two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. Dr. Younis Shaikh sentenced in 2000 on blasphemy charges was denied bail, sentenced to death, and fined \$1,580 (PKR 100,000) by a sessions court on August 18. His case was under appeal at year's end. Yusuf Ali, who had been convicted of blasphemy and sentenced to death, was shot and killed in the Lahore Central Jail by another inmate on July 11. Some jail officials were arrested in

connection with the incident, including an Assistant Superintendent (who reportedly took responsibility for the shooting and stepped down). At year's end, the shooting was still under investigation by the authorities. The 1998 death sentence of Shi'a Muslim Ghulam Akbar was under appeal at year's end.

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, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists.

The Constitution specifically prohibited discriminatory admission to any governmental educational institution solely on the basis of religion. Government officials state that the only factors affecting admission to governmental educational institutions are students' grades and home provinces. However, students must declare their religion on application forms. Ahmadis and Christians reported discrimination in applying to government educational institutions due to their religious affiliation.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In practice teachers compel many non-Muslim students to complete Islamic studies.

On June 19, the Government announced the Madrassah Registration Ordinance of 2002, which went into effect immediately. Under the ordinance, all madrassahs (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards. Madrassahs failing to do so may be fined or closed. The madrassahs no longer are allowed to accept grants or aid from foreign sources, although madrassahs offering courses in science, math, Urdu, and English are eligible for government funds. Madrassahs were given 6 months to comply. The ordinance was designed to regulate the madrassahs, where many poor children are educated, and to combat religious extremism.

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

Permission to buy land comes from one municipal bureaucracy, and permission to build a house of worship from another. For all religious groups, the process appeared to be subject to bureaucratic delays and requests for bribes.

The Government distinguished between Muslims and non-Muslims with regard to politics and political rights. 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 an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

The Ahmadis are subject to specific restrictions under law. A 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 May the Government announced the restoration of a voter registration form designed to single out Ahmadis. The section, which required Muslims to swear they believe in the "finality of Mohammed's prophethood," singled out members of the Ahmadis sect who are less categorical about this tenet of Islam. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various 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 religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Ahmadis have been prohibited from holding conferences or gatherings. Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Acts of sectarian and religious violence continued during the year (see Section 5). A number of massacres in churches and mosques brought into question the Government's ability to prevent sectarian and religious violence. The worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued during the year. Many of the victims were Shi'a professionals--doctors and lawyers--who were not politically active or involved with sectarian groups. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. For example, on February 4, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On June 17, three Shi'a men were shot and killed by unknown gunmen outside of a Shi'a mosque, who was opposed by the Sunni extremist groups Lash-Kar-e Jhangyi and Singh Sahaba Pakistan.

Sectarian violence between members of different religious groups received national attention during the year and continued to be a serious problem. Christians, Ahmadis, and other religious minorities often were the targets of such violence.

Christians have been victims of violence. For example, in March an attack on a church in Islamabad left five persons dead, including two foreign nationals. In August gunmen attacked the Murree Christian School and killed four persons. Three days later, militants threw grenades at worshippers at a Christian hospital in Taxila and left three persons dead. On December 25, 3 children were killed and 14 were injured in a grenade attack on a Christian Church in Chianwala village in Sialkot. On December 27, police detained four men, including a radical Muslim cleric, on suspicion of carrying out the Christmas day attack. During the year, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved.

Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the death of the Prophet Mohammed's nephew Ali and Ali's son Hussain. Government efforts to stem a wave of violence, including mass arrests of those suspected of participating in sectarian violence, resulted in no deaths during the year.

Beginning in 2001 and throughout the year, the Government undertook a major effort to curb religious extremism and address the intimidation of religious minorities. On January 12, the Government banned another five groups suspected of inciting religious violence and jihad: Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Muhammad, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi. Hundreds of local and national offices were closed, and almost 2,000 members of these groups were arrested in the weeks following the announcement. Most detainees were low-level organization members who were released after 90 days without being charged. Rumors persisted that higher level party leaders enjoyed the protection and patronage of government agencies, and avoided arrest by going underground. In late June, the authorities in Lahore arrested at least 30 members of 2 of the banned groups. By year's end, the Government accelerated its detention of members of several extremist groups. In addition, violence in country has prompted the Government on several occasions to round up hundreds of members of religious extremist groups and students at madrassahs believed to be terrorist recruiting centers and training grounds.

Government authorities afford religious minorities fewer legal 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.

Ahmadi individuals and institutions often are targets of religious intolerance, much of which is instigated by organized religious extremists. 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 crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble. For example, in January Ghulam Mustafa Mohsin was killed in his home in District Toba Tek Sing, after receiving a series of death threats.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. In the past few years Ahmadis claim that 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 generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis, 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 standard Muslim salutations and for naming their children Mohammed.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabwah) in Punjab often has been a site of violence against Ahmadis (see Section 5).

Other religious minority groups also experienced 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; now many were unable to rise above mid-level ranks. The Government claimed that officers in the military were promoted strictly on merit, and there were two active duty generals who were members of religious minorities. The lack of religious minorities at higher levels of the military partially may be due to the limited number of minorities who opt for a career in the armed forces.

Discrimination in employment reportedly was common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians were overrepresented in the country's most oppressed social group--that of bonded laborers. Many Christians complained about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continued to express fear of forced marriages between Muslim men and Christian women, although the practice was 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.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and anti-Semitic and anti-Zionist press articles were common.

However, the return of joint electorates eliminated parliamentary and assembly seats reserved for minorities. Some minority leaders complained that these seats should have been retained after the joint electorate system was eliminated.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b.). Travel to Israel is prohibited by law, but some citizens may visit Israel without penalty by not getting their passports stamped by the Government of Israel. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely was enforced against students.

Citizens regularly exercised the right to emigrate. However, an Exit Control List (ECL), which was made public but was revised constantly, was used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. Soon after coming to power, the Musharraf Government increased the use of the ECL, reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. However, according to the Government, there were approximately 2,450 names on the ECL for the period of January to September. No judicial action was required to add a name to the ECL; those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the current policy, the Government treats all undocumented Afghans as aliens under the Foreigners Act, making them potentially subject to deportation. However, in practice the Government has allowed the vast majority of the Afghans who have entered the country to remain. On October 22, the Government, Afghanistan and UNHCR agreed on an Afghan/Pakistan refugee accord, which institutionalized the voluntary repatriation of 1.8 million Afghan refugees from Pakistan for three years. The Government will continue its negotiation with UNHCR and the Government of Afghanistan on procedures for the screening and repatriation of Afghans in the refugee camps. In the past, the fear of large numbers of new refugees trying to enter the country coupled with the absence of a legalized asylum framework and the sharp economic competition with host communities led to a more restrictive admissions policy and a deterioration in protection for many refugees.

The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting registered refugees. The Government provided first asylum to approximately 200,000 persons during the year. First asylum has been provided to refugees from Afghanistan since 1979. In November 2001, President Musharraf announced that limited numbers of "vulnerable" Afghan refugees would be allowed to enter the country, including injured persons, unaccompanied minors, the elderly, and those from drought-affected areas of Afghanistan; adherence to this policy fluctuated through year's end. Refugees that did not fit into this category still were denied entry to the country. The Government refers to refugees who entered the country after September 2001 as "externally displaced persons" and works with UNHCR to provide services to them. There remain an estimated 1.5 million Afghan refugees in the country who have been granted first asylum, and live in refugee camps (mainly in the NWFP and Baluchistan). There also were an estimated 1.4 million unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In January UNHCR set up two new camps (Dara I and Dara II) on the Pakistan side of Chaman border to accommodate the approximately 20,000 refugees in one week. On February 27, the Ministry of Interior announced that the country would not allow UNHCR to process new arrivals. At one point, there were up to 40,000 persons waiting to be registered and relocated. The Government officially never reversed its position on vulnerable persons, but said that none of the new arrivals met the vulnerable criteria. In response, UNHCR improved the humanitarian conditions in the waiting areas and redoubled its efforts to establish Zhare Dasht settlement on the Afghan side of the Chaman border. UNHCR reported the situation for refugees improved during the year.

Many Afghan refugees continued to live and work in the country, and were self-supporting and lived outside of refugee camps, usually in urban or semi-urban areas. This resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often were worse than for those in the camps. Refugees outside the camps also faced harassment by the police, especially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets faced particular security problems.

Most refugee camps were well established, and living conditions resembled those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp, the Shamshatoo camp, and the New Shamshatoo camp. Conditions for newly arrived Afghans generally were worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water were continuing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. Severe overcrowding was a problem (at one point the camp housed approximately 60,000 persons). The Government and UNHCR opened several camps to house the most recent arrivals from Afghanistan, and to accommodate undocumented refugees from Quetta. By year's end, more than 100,000 refugees were housed in the new refugee camps. Refugees in the Nasir Bagh camp were evicted on June 8 because the owners of the land the camp was located on proceeded with the construction of a housing development. Some residents returned to Afghanistan voluntarily; others were relocated to other camps.

The Government occasionally harassed refugees and threatened them with deportation; harassment and threats of deportation of Afghan refugees increased during the year. On May 8, officials in Islamabad and Rawalpindi rounded up and arrested 580 Afghans, after a killing of two policemen in Rawalpindi. On June 11, 68 of the 580 were deported and the remainder were released on June 21 without being deported. There were reports of instances in which police demanded bribes from Afghans and threatened them with deportation if they did not pay. It is unknown how many Afghans may have been deported in this manner during the year. Complaints were made with the State and Frontier Regions Ministry, the Interior Ministry, and the NWFP provincial government that such summary deportations did not comply with the law. The refugee community expressed increasing fear of deportation, and cited this fear as the reason why more male family members remained at home, thus reducing family income.

The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. On March 1, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees. UNHCR estimated that approximately 400,000 Pakistan-based Afghan refugees would participate; however, by the end of September, over 1.5 million had repatriated. Afghan refugees have limited access to legal protection and depend on UNHCR and group leaders to resolve disputes among themselves and with the Government.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGOs and private entities provided women and girls with better education and health care than was available in Afghanistan. However, Afghan women working for NGOs were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

The resettlement of Biharis continued to be a contentious issue, and at year's end no further resettlement has occurred.

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

The Constitution provided citizens with the right to change their government peacefully, and citizens participated in government elections during the year. However, in practice, President Musharraf and the military continued to dominate the federal coalition government led by the Pakistan Muslim League (Quaid—e—Azam). In June 2001, President Musharraf issued an amendment to the existing PCO that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The Musharraf Government pledged to return the country to a democracy; however, President Musharraf stressed his priority first to build a strong economic and political foundation in order to avert another bout of “sham” democracy. President Musharraf abided by the May 2000 Supreme Court ruling that mandated that national elections were to be held in October. The October national elections were deemed somewhat free and fair by many international observers. However, some NGOs and election observers accused the Government of pre-poll rigging, poll irregularities, and tampering with results on selected seats to help pro-government candidates.

The Government announced a series of ordinances that regulated the elections. These ordinances limited political parties' ability to organize and campaign before the October elections. One measure required all political parties to elect their leadership and refused registration to any party whose leaders had a court conviction. Individuals with convictions were barred from running for office. Effectively this measure sidelined the PPP's Benazir Bhutto, convicted in absentia of absconding from NAB charges, and PML-N's Nawaz Sharif, convicted of hijacking in 2000. Other changes included limiting the size of gatherings, processions, the use of loudspeakers, the size of posters and hung banners, and educational requirements for candidates. The late announcement of the election schedule also curtailed the campaign season to less than 5 weeks, in contrast to the usual 90 days.

Prior to the elections, political parties and civilian groups alleged the Government wielded its influence unduly in “pre-poll rigging.” These NGOs claimed the top provincial leadership as well as members of the federal government and military agencies pressured members of other parties to join the progovernment PML-Q, or run independently. Local government officials, elected in August 2001 as part of a devolution of power program, were accused of helping progovernment candidates by delivering needed services and development funds to key electoral constituencies. Others accused police and army personnel of intimidation of voters and party workers.

On April 30, President Musharraf held a nationwide referendum on a five-year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the referendum. However, some independent observers found evidence of widespread fraud and coerced voting. Politicians, lawyers, and civil society groups criticized the referendum and argued that a president could only be elected as prescribed in the Constitution, and that the referendum could not be used to elect a president. In June the Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. By year's end, the elected Parliament had not debated the April referendum. In August the government announced the Legislative Framework Order (LFO), which amended the Constitution and the PCO to allow: the empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. Under the auspices of the LFO-amended

constitution, Pakistan held the first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. The Government had established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections in previous years. During the year, the NRB reformed electoral laws that included the elimination of the separate electorates system for religious minorities (see Section 2.c.) and the tripling of National Assembly seats reserved for women. Although many persons welcomed these changes, the major political parties continued to call for the return of exiled political leaders.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. The Supreme Court demonstrated little independence during the year. Its unanimous decision in favor of the presidential referendum and its consistent support of government changes to electoral procedures resulted in approval of all of the government's proposed electoral and constitutional changes. In January 2000, President Musharraf ordered all of the justices in the country to swear to uphold his PCO, and not to make any decision against the Chief Executive or any person exercising powers or jurisdiction under his authority; as a result, government directives and ordinances under the PCO no longer are subject to judicial review (see Section 1.e.).

Citizens participated in national government elections during the year; however, many NGOs alleged there were serious flaws in the election. The PML-Q won a majority of seats and formed a government.

Despite the measures the Government designed to make the electoral commission independent of government control, the election commission came under severe criticism when it failed to protect an area clearly within its mandate from interference by state authorities. According to the EU, the electoral commission's failure to curb the authorities' misuse of state resources in favor of political parties for the PML-Q raised serious doubts about its independence. Furthermore, in January the Government appointed Irshad Hassan Khan, the retired Chief Justice of the Supreme Court, to be Chief Election Commissioner. Irshad was known for his role in presiding over the April 2000 Supreme Court ruling that upheld the legality of the October 1999 coup. His appointment raised further doubts about the commission's independence.

During 2001, President Musharraf focused on the need to reduce the power of the central Government by devolving power to the local level. Between December 31, 2000, and August 2001, elections for local government assemblies were held in the country's 97 districts. Directly elected union councilors formed an electoral college to elect a district mayor (nazim) and members of district council. According to local and international election observers, the elections generally were free and fair. However, the Government was accused by some political parties of intervening in several mayoral races to ensure that the pro-Musharraf candidates were elected. Such government pressure was most evident in Lahore and Rawalpindi. In February 2001, the Government modified laws governing local elections to permit minorities to vote for district and township mayoral positions on a joint-electoral basis.

The Musharraf Government did not ban political parties, and the parties active prior to the 1999 coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued some activities. During the year, the Government forced the PPP and PML-N to elect leaders other than Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The Government also amended the Political Parties Act to bar any person from becoming Prime Minister for a third time. This amendment effectively barred Benazir Bhutto and Nawaz Sharif from power.

The Government permitted progovernment and religious parties to assemble and hold processions; however, other political parties often were denied permission to stage political events (see Section 2.b.). The Government arrested 3,000 persons in opposition political parties during the year. On March 23, police detained 400 leaders and workers of the Alliance for the Restoration of Democracy (ARD) to prevent them from attending an opposition rally in Lahore. In March 2000, President Musharraf issued an ordinance banning all political gatherings held outdoors (see Section 2.b.). The ban remained in effect at year's end. The National Accountability Ordinance (NAO) prohibits those convicted of corruption under the NAO from holding political office for 10 years (see Section 1.d.). In August 2000, the Government amended the Political Parties Act to disqualify automatically anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAO, the fact that NAO chairmen have all been members of the military, and the presumption of guilt in accountability cases.

Because of a longstanding territorial dispute with India, the political status of the northern areas--Hunza, Gilgit, and Baltistan--was not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue.

There are 60 of women in the 342-seat National Assembly; there is one woman in the Cabinet; and none in the Supreme Court. During 2001 the Musharraf Government set aside one-third of the seats in the local council elections for female candidates. During the year, the NRB enacted electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level in 2001. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In districts of the NWFP and southern Punjab's tribal areas, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to press reports, female voters were threatened and their families intimidated from voting and running for office. In October the MMA coalition of religious parties declared that the families of women who voted in NWFP would be fined. Prime Minister Jamali has one female minister and one female special advisor. Provincial governors appointed by President Musharraf also have named women to serve in provincial cabinets.

There are 10 minorities in the 342-seat legislature; there are none in the Cabinet; and there are none in the Supreme Court. The Government distinguished between Muslims and non-Muslims with regard to politics and political rights (see Section 2.c.). 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 an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan." Electoral reforms prepared during the year eliminated the separate electorate system for religious minorities. In addition to joint electorates, minorities could vote for reserved at-large candidates who would represent their groups. The Musharraf Government restored the conditions for voting as outlined in the Constitution; however, pressure from religious groups led the government to declare that Muslim voters had to sign an oath to declare the finality of the prophet Mohammed. Voters who did not sign the oath would be put on a separate electoral roll in the same constituency. This requirement singled out Ahmadis. Under the previous electoral system, minorities voted for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Under Article 106 of the Constitution, minorities also had reserved seats in the provincial assemblies (see Section 2.c.).

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. Tribal members, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day far fewer registered women than registered men actually voted.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The Government cooperated with international and local NGOs in a number of high profile cases, including the Merrwala gang rape incident. These NGOs provided access to international organizations and helped to spearhead investigations into the incident. The Government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. In early June 2001, the Human Rights Commission of Pakistan called on the Government to end the harassment of HRCP employees by lower level functionaries. The HRCP also accused Government officials of launching tax investigations against HCRP employees who had been critical of Government policies.

The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGOs. President Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet, and many NGO workers reported a smooth working relationship with the Government during the year. The new

government in Punjab under President Musharraf also lifted the previous ban on NGO registration.

International observers were permitted to visit the country and travel freely. Several international organizations, focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff. Also, during the October elections, international observers were present at various numbers of polling stations; however, some reported obstruction of their mission by the government.

The Ministry of Human Rights, a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs, finalized and began limited implementation of a reform program for jails. During the year, it increased its capacity to collect and catalog reports of human rights abuses. However, the department is not viewed as 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.

The Government made some limited progress towards achieving the other human rights goals, after an April 2000 conference on human rights. In late April 2001 former President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5). The Government inaugurated a National Commission on the Status of Women in September 2000.

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

The Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

#### **Women**

Domestic violence was a widespread and serious problem. Human rights groups estimated that a large number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP one out of every two women was the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported in 2001 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 were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus it was difficult for women to obtain relief from the justice system in cases of domestic violence.

During the year, the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During 2001, 471 dowry deaths were reported, but according to one NGO, only 60 to 70 percent of such cases are reported. During the year, 317 burn cases were reported to the Progressive Women's Association (PWA). Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" in fact are 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, The Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress. A second crisis center in Vehari, in southern Punjab, opened in 1998.

Rape was a pervasive problem. In 2001 the HRCP estimated that at least eight women, five of them minors, were raped every day, and more than two-thirds of those were gang-raped. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.). On June 22, a woman in Meerwala, Punjab was gang-raped on the orders of a council of tribal elders (see Section 1.d.).

According to HRCP, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there was 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--was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was 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 Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than were brought in the past, and the

courts have shown greater leniency toward women in their sentences and in the granting of bail. According to AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

According to a 2001 HRW report, women face difficulty at every level of the judicial system in bringing rape cases to trial. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and 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 were reluctant to convict; however, if there was some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). In 2001 HRW also reported 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 the doctors were 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 personnel sometimes are abusive physically or verbally 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 were harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, 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 2001 criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of 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, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. According to one human rights monitor, 80 percent of adultery-related Hudood cases were filed without supporting evidence. The Commission found that the main victims of the Hudood Ordinances are poor women who were unable to defend themselves against slanderous charges. These ordinances 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. One NGO run by a prominent human rights activist reported that 262 women were on trial for adultery in Lahore as of May 2001. An additional 33 were awaiting trial and 26 had

been convicted under the Hudood Ordinances in 2001, the most recent statistics available.

Marital rape is not a crime. The 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 were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. Few such cases were investigated seriously and those who are arrested often were 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 order to restore tribal or family honor women are far more likely to be killed than men. The HRCP estimated in 2001 that as many as 204 women were killed by their husbands or family, mostly as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh. Around 278 honor killings took place in Punjab according to the HCRP. More than 800 women were killed by family members in honor killings during 2001. The problem was believed to be even more extensive in rural Sindh and Baluchistan, where "karo/kari" killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families' vengeance against the victims' "defilement." The Government failed to take action in honor killing cases, particularly when influential families were involved. In April 2001 Mehvish Miankhel was killed by her uncle and the Government did not arrest her attacker.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

Sexual harassment is a widespread problem in the country but there is no separate law to prosecute offenders. There is one article in the Pakistan Penal Code that deals with harassment.

Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than are male children. According to a U.N. study, girls receive less nourishment, health care, and education than do boys. In June, the New York Times reported that the country has only 94 females for every 100 males, when the international average is 104 females for every 100 males.

Human rights monitors and women's groups believe that a narrow interpretation of 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 accepted more readily.

The value of women's testimony is not equal to that of a man's in certain court cases tried under the Hudood Ordinances or before a federal Shariat Court (see Section 1.e.).

In inheritance cases women generally do not receive--or are pressed to surrender--the share of the inheritance they legally are due.

Civil marriages do not exist; marriages were performed and registered according to one's religion. 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 Section 2.c.). Children born to Jewish or Christian women who convert to Islam after marriage were considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. Judicial reforms begun in April with foreign funding included plans to publish laws in Urdu, which is understood by the majority of citizens; some laws had been published in Urdu as of year's end. The Parliamentary Commission of Inquiry for Women recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also called for the punishment of those who coerce women or girls into forced marriages. 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 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance.

Discrimination against women particularly is acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates were 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 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions were much worse, with only 2 percent of the province's women having received any formal education. Education activists noted that many parents would like to educate their daughters; however, many parents reportedly chose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

In rural areas, the practice of a woman "marrying the Koran" still was accepted widely 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 more than 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 was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women 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.

In 2001 an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children.

## **Children**

The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. 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. A reported 10,000 schools have closed in recent years due to a lack of teachers. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures in 2001, 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. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams.

Information about progress in educating girls was contradictory. A survey in 2001 found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to substantiate. The female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it was just more than half that of males.

Education was a provincial responsibility. In previous years, comprehensive surveys were performed to identify school buildings that were being misused as well as 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 NGOs to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property. In August 2001, a former provincial official reported that a survey revealed that half of the third grade teachers at one school in Punjab did not know their multiplication tables. Nevertheless, the official claimed the Punjab government refused to dismiss unqualified teachers.

In June the Government announced a new ordinance regulating madrassahs under a voluntary registration program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to be set up to enforce the regulations, oversee participating schools, and control all internal and external funding for participating schools. Religious clerics objected to any government regulation of the madrassahs and as a result, the Government withdrew most of the requirements and ceased to pursue madrassah reform.

According to press reports, there are several madrassahs where children were confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys was believed widely to occur at some madrassahs.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. In 2001 30 million children under the age of 5 were targeted for polio vaccinations. According to the Extended Program for Immunizations, 27 million children were successfully vaccinated. Only 116 cases of polio were reported in 2001. The International Labor Organization (ILO) reported 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 were born iodine-deficient, resulting in high rates of mental retardation.

Children sometimes were kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.). In July in Punjab eight girls were forced to marry significantly older men in a rival family, in exchange for commuted death sentences on members of their families. 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 were 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 were common. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys was more common in segments of society where women and girls traditionally remain within the home. According to a local NGO, 459 boys and 615 girls were reported to have been sexually abused during 2001.

The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province in 2000. Child prostitution involving boys and girls widely is known to exist but rarely is discussed (see Section 6.f.). All forms of prostitution were illegal, and a person who abducted a child under the age of 10 and committed sexual assault may be sentenced to death. The Shabab-i-Milli, the youth wing of the Jaamat-i-Islami party, launched a campaign in May 2000 to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored" 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 were protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. In September 2001, the Government signed the Optional Protocols to the Convention on the Rights of the Child on Involvement of Children in armed conflict and the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. However, the Government frequently failed to enforce these laws.

In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibited children from being tried for crimes with adults, and prohibited the proceedings of juvenile courts from being published.

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

Child labor is a significant problem (see Section 6.d.).

There are several NGOs that promote children's labor rights and child protections, operating in Islamabad, and in the provinces.

### **Persons with Disabilities**

There are no laws requiring equal accessibility to public buildings for persons with disabilities. The vast majority of persons with physical and mental disabilities are cared for by their families. However, in some cases these individuals are forced into begging; organized criminal "beggarmasters" skim off much of the proceeds. Parents reportedly have given children as offerings to Baba Shah Dola, a shrine in Punjab where the children reportedly are deformed intentionally by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which goes into a fund for persons with disabilities. This obligation rarely was enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and were not segregated from the general prison population (see Section 1.c.).

## **Section 6 Worker Rights**

### **a. The Right of Association**

The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reported the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivided their workforces into artificial subsidiaries (while keeping them all on the same premises) to evade the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA 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.

An amendment to the IRO states that: 1) Only employees of the represented industry can hold office in a trade union; and 2) federations formed by trade unions cannot bargain with individual employers; each 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. An amendment to the IRO states that unions which received less than 15 percent of worker's votes were to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity by teachers, radio, television, railway, forestry, hospital, banking, 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 action has been taken.

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. During the local government elections, unions fielded candidates for labor councilor positions.

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 due to the fact that the legal system was slow, prohibitively expensive, and often corrupt.

Federations were free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked the Generalized System of Preferences trade benefits in 1996 for certain goods, such as leather sporting goods, surgical instruments, and hand-loomed carpets, due to failure to make progress on various worker rights issues including child labor (see Section 6.d.).

## **b. The Right to Organize and Bargain Collectively**

The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. In general legal 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.

There is no provision allowing agricultural workers to unionize as they are not defined as "an industry." Water and power workers may engage in "responsible trade unionism."

According to government estimates, union members make up approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claimed that the number of union members was underestimated.

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. The rare strikes that did occur were generally short and illegal. 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. Under the Industrial Relations Ordinance of 2002, courts only may impose fines for violations of this provision; imprisonment no longer is permitted. The level of fines has been increased. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways (PIA). The ICFTU reported in 2001 that the Government also suspended union activities, including canceling collective bargaining agreements and closing union offices, at PIA.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA, 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.

The special wage boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry, which provided the chairman. Despite the presence of labor representatives, unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZs) from the IRO's granting of workers the right to form trade unions. The workers in EPZs have no protection against employer interference or anti-union discrimination. There was only 1 EPZ, in Karachi, with nearly 6,000 employees, according to government sources.

### **c. Prohibition of Forced or Bonded Labor**

The Government prohibits forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO objected to this as a violation of Convention 29. The Government 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 core areas such as electricity generation and distribution, and air and sea ports.

The Bonded Labor System (Abolition) Act (BLAA) 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 \$900 (PKR 50,000) in fines. However, provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Strong social ties between employers and public officials at the local level further undercut the law's effectiveness. In addition the law is written in English and frequently is incomprehensible to persons it is intended to protect. Some provincial laws appeared to violate the BLAA.

It is likely that handmade bricks and hand-woven wool carpets were produced with forced or indentured child labor. Illegal bonded labor is widespread. It was common in the brick, glass, and fishing industries and was found among agricultural and construction workers in rural areas. The Government undertook a survey of bonded labor during the year that was to be completed in 2002. Bonded laborers often were drawn from the ranks of the unskilled, low-caste, and often non-Muslim. The Bonded Labor Liberation Front (BLLF), an NGO that advocated for the rights of bonded laborers and provided a safe haven and educational and vocational training for those who have escaped their bondage, reported that it had freed about 1,000 bonded brick kiln workers. Bonded labor, including bonded child labor, reportedly is used in the production of carpets for export under the peshgi system, by which a worker was advanced money and raw materials for a carpet he promises to complete (see Section 6.d.). The lack of education among bonded laborers deprived them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. In March 2000, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women and children. According to press accounts, the laborers were kept in chains, were not compensated for their work, and were beaten frequently. Press reports indicate that there were similar numbers of bonded laborers freed during the year. Others returned to their former status after being freed because they lack the education, money, and mobility to seek a different livelihood. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputed that peshgi workers were "bonded" or "forced" laborers and argued that they were "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh.

The Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

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

The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Constitution prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations. The Employment of Children Act 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 \$300 (PKR 20,000) or 1 year in prison. As of year's end, no one had ever received the maximum penalty. Child labor was common and resulted from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Government issued a national policy to combat child labor and by year's end, the Ministry of Labor and Ministry of Social Welfare received \$172,400 (PKR 100 million) to fund the national child labor action plan. A board was formed to launch projects to combat child labor, and provincial governments were asked to submit proposals during the year. In addition, every province has been asked to appoint an official responsible for child labor programs and initiatives, and a proposal has been submitted to Ministry of Labor to begin informal education centers for child workers.

Only the Government and exporters regard the ILO 1996 survey as an accurate measurement of the incidence of child labor. Many observers believed that it understated the problem, and gave higher estimates of as many as 20 million child laborers. A recent ILO survey indicated that agriculture was the largest child labor industry; followed by the informal sector, which included domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries ranked third. The report also noted that when programs were developed to eliminate child labor in one industry, parents often shift their children to work in other industries.

During a press conference in February 2000, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the Federal Bureau of Statistics were scheduled to conduct a new survey during the year in more than 30,000 households; this survey is to include the agricultural sector and rural areas where the worst forms of child labor often occur. The survey was expected to be completed in 2002; however, at year's end, the survey had not been completed.

Child labor, mostly female, was common in the carpet industry, much it family-run. Carpet manufacturers, along with the ILO-IPEC, have established a program to eliminate child labor from the industry through monitoring and rehabilitation, which continued throughout the year. In 2001, 285 informal education centers had been set up. Of the 9,519 children enrolled in the centers in 2001, 8,114 were active in

the carpet industry and 1,405 were working siblings. In 2001, 30 new rehabilitation centers, capable of serving 950 children, were added to the existing 153 rehabilitation centers. The ILO runs a program that aimed to decrease child labor in the carpet industry by promoting educational opportunities for children. Its efforts have been extremely successful, and as a result, the demand for enrollment in public schools far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor 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 in 2001, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 3,200 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry was 12. Children in the surgical instrument industry were prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been matched in the surgical instrument industry.

Child labor was not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed.

In response to international criticism, the Government began to push provincial authorities to enforce child labor laws. However, enforcement of these laws remained a problem. There were few child labor inspectors in most districts, and the inspectors often had little training and insufficient resources. They reportedly also were corrupt. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in such facilities. Hundreds of convictions were obtained each year for violations of child labor laws, but low fines levied by the courts--ranging from an average of \$6 (PKR 364) in the NWFP to an average of \$110 (PKR 7,280) in Baluchistan--were not a significant deterrent. The Employment of Children Act allows for fines of up to \$275 (PKR 18,200). Penalties often were not imposed on those found to be violating child labor laws.

Soccer ball manufacturers, importers, the ILO, and UNICEF have implemented a plan to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitors the production of soccer balls at established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At the end of 2000, there were 153 rehabilitation centers, and an additional 70 centers were planned for the next 2 years. The ILO child labor program has entered the phase out and assessment stage with a total 74 centers. This year they will begin closing them and assessing their impact on child labor. In addition, the project sought to identify unemployed adults, especially women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers.

Under a memorandum of understanding with the Government, the ILO/IPEC program in the country is involved with other child labor projects, beginning in 2001 and continuing at year's end. Projects in Sialkot include one in the surgical instruments industry and one in the nonformal (nonexporting) sectors. The ILO works with the Government, employers, workers, and NGOs to pursue the Government's 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-ul-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, and during the year the Government took charge of 18 centers begun by the European Union. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. During the year, this project was extended through 2005. It has targeted assistance to 720 children; so far, it has provided informal education to 160 children and pre vocational training to 393 others.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGOs, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and 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 \$5 (PKR 300) per month, plus a small daily stipend of approximately \$0.08 (PKR 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently did not remain there for more than a year; the schools often were in areas far from their clients. The Bunyad Literacy Community Council and Sudhaar also run schools focusing on children who work in the soccer ball and carpet industries; their programs aim to transition children out of working and into mainstream schooling. Other local NGOs, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

In August 2001, the Government ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded child labor; however, forced child labor was a problem. There were reports that children in juvenile detention facilities were required to work. Children at the Karachi Central Jail, who were imprisoned for crimes they committed, were detained with their parents, or were born in jail, reportedly were involved in woodcrafts and television repairs. Verifying these reports was difficult because of limited outside access to the jail.

Children sometimes were kidnaped to be used for forced labor (see Section 5). Seventy percent of working children have the status of "unpaid family helpers." Observers also believed that the incidence of bonded labor among such children was significant, but there were no reliable figures available on this.

#### **e. Acceptable Conditions of Work**

Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$42 (PKR 2,500) 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 national minimum wage usually does not provide a decent standard of living for a worker and family.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Large numbers of workers do not enjoy these benefits. Many workers were unaware of their rights.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Employees earning more than \$47 (PKR 3,120) per month do not receive all 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 its efforts to enforce existing legal protection are weak. There is a serious lack of adherence to mine safety and health protocols. For example, mines often only have one opening for entry, egress, and ventilation. Workers cannot remove themselves from dangerous working conditions without risking loss of employment.

In April 2001, the Government announced a labor reforms package. The package includes the introduction of voluntary group insurance, expansion of existing low-cost housing projects, an increase in monetary compensation for death or disability, and an increase in old age pensions. Government officials stated that progress in implementing the reform package was made by year's end. Labor leaders continued to criticize the reform package as too limited in scope.

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

The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnaping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the estimated thousands of women involved, only 88 cases were registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, 87 were charged and only 7 were sentenced. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

Pakistan is a source, transit, and destination country for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country and some Pakistani women are trafficked overseas, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Internal trafficking of Pakistani women and Afghani refugees from rural areas to urban centers is a problem. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.

Foreign trafficking victims usually were deceived with false prospects of marriage or offers of legitimate jobs in the country. Traffickers also used force, abduction, threats, and coercion to entice and control trafficking victims. Traffickers generally were affiliated with powerful criminal interests. There have been some reports of lower level official complicity and corruption with regard to trafficking. The border police, immigration officers, customs officials, police, and other officials (including members of the judiciary), reportedly sometimes facilitated trafficking in return for bribes.

Trafficking victims do not have legal residency and, if found by the authorities, are detained, arrested, and prosecuted for violation of immigration laws or of the Hudood ordinances. The Hudood ordinances criminalize extramarital sexual relations and place a burden on female rape victims because testimony of female victims and witnesses carry no legal weight. If a woman brings charges of rape to court and the case cannot be proved, the court automatically takes the rape victim's allegations as a confession of her own complicity and acknowledgment of consensual adultery (see Section 5). These laws discourage trafficking victims from bringing forward charges. Without money to pay for bail, trafficking victims often were bailed out by their pimps, who require them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters run by NGOs that assist trafficking victims, but most did not because there were few such shelters available. Many women who were not bailed out were not repatriated. Since most Bangladeshi women arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home. 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. One NGO, Lawyers for Human Rights and Legal Aid (LHRLA), has reported extensively on trafficking and has provided documentation of the problem; several other NGOs occasionally work on the issue. Lawyers for Human Rights and Legal Aid and the Society for Human Rights and Prisoner's Aid run specific programs to assist trafficking victims, and a few other local NGOs also assist trafficking victims on a smaller scale.

Physical beauty and educational level were major factors in determining prices. Some women reportedly were sold into slavery and sent to Persian Gulf countries; women sent to rural Pakistan reportedly were de facto slaves. Buyers in such shops reportedly purchased women for purposes of labor or sex; some married their buyers.

Young boys were trafficked to the Persian Gulf to work as camel jockeys; reports estimated that there were between several hundred and a few thousand boys between the ages of 3 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). Most are from Punjab or Sindh. There are approximately 1,000 such children in Qatar, and there are reports of such children in Saudi Arabia. Dera Ghazi Khan in Punjab is a center for trafficking in children, and is a major source of children trafficked as camel jockeys. The majority of these boys were sent to the Gulf countries by their parents, landless agricultural workers who receive either a monthly sum of money or a lump sum for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, some of these children were abducted by traffickers in the country and were sent abroad without the knowledge

of their parents. The boys generally were sent to the Gulf countries under the passports of women posing as their mothers. The conditions such children live under often were poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or schooling, and deliberately are underfed to keep them as light as possible. When they become too old to race, they are sent back to the country and left to fend for themselves. In February 2000, the district administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PKR 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. As of year's end, there was no report on the return of the boys. The Government recently broke two trafficking rings of children smuggled into Iran, and was attempting to extradite eight adults wanted for trafficking. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.).

The Government assists underage children and has rescued some kidnaped victims. On March 15, police in Karachi announced they had rescued 11 infants and arrested 8 persons on suspicion of trafficking.

The Government sponsors shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims; however, police often treated victims of trafficking as criminals. The Government does not provide specialized training to assist trafficking victims. Very few NGOs deal specifically with trafficking; however, many local and provincial NGOs provide shelter to victims of trafficking and women and children at risk for trafficking.