

Pakistan

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Pakistan is a federal republic, although the military retains a major role. In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide referendum held on April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal 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. Several of the amendments had the effect of transferring substantial executive power from the prime minister to the previously symbolic presidency. Opposition politicians, lawyers, civil society groups, and many in the international community expressed concern about the amendment package and its constitutional legitimacy.

Elections were held for local governments in 2001, and for the National Assembly in October 2002. Domestic and international observers criticized the elections as deeply flawed. In February, Senate elections were held and resulted in 55 seats for the Pakistan Muslim League-Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president.

The National Assembly met during the year; however, no bills have been passed since 2002, with the exception of the national budget. President Musharraf, the intelligence services, and the military continued to dominate the Government. Corruption and inefficiency remained acute, although reforms initiated by the Musharraf Government to reduce corruption have had some effect on officials at higher levels of government. Although the Supreme Court demonstrated a limited degree of independence, 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. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Senior government and ruling party members tightly controlled the security forces; however, there were instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses.

The country is poor with great extremes in the distribution of wealth; its population was approximately 150 million. The economy included both state-run and private industries and financial institutions and provided residents with an average per capita income of \$475. 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. Overall growth continued to remain sluggish; however, the GDP growth was estimated at 5.1 percent. During the year, the Government pursued several economic reforms designed to alleviate poverty; however, inefficiencies have stymied government efforts to decrease high poverty levels and create needed employment opportunities.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. In 2002, citizens participated in national government elections; however, many observers found serious flaws in the legal framework for the election. Security forces used excessive force, at some times resulting in death, and committed or failed to prevent extrajudicial killings of suspected militants and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security forces officials who were guilty of abuses; however, abuses by security forces remained a problem.

Killings between rival political factions and sectarian groups continued to be a problem. Police abused and raped citizens. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. Several political leaders remained in detention or 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 and corruption, inefficiency, and lack of resources remained severe 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 anti-corruption campaign violated due process. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, journalists practiced self-censorship, especially on sensitive issues related to the military, and human rights groups continued to report acts of intimidation against journalists by the central Government. Provincial and local governments occasionally arrested journalists and closed newspapers that were critical of the Government or printed allegedly offensive material. The Government retained near-monopoly control of broadcast television and radio, but cable and satellite channels were increasingly popular and uncensored. Journalists were targets of harassment and violence by individuals and groups. During the year, the Government sporadically permitted several large anti-

government 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. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem.

Domestic violence against women, rape, and abuse of children remained serious problems. The Government publicly criticized the practice of "honor killings" but such killings continued. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Sectarian attacks against Shi'a professionals remained a problem. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor of both adults and children remained a problem. The use of child labor remained widespread. Trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem.

Terrorist attacks continued. Most notably, Islamic extremist groups attempted at least twice to assassinate President Musharraf, and Sunni extremists killed over 70 Shi'as in bombings at a mosque and a police training facility in Quetta.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed extrajudicial killings. The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year; however, exact figures were unknown by year's end.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters, occurred. 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 August, the Interior Ministry reported that 548 persons were killed in police encounters in 2002, with 114 encounter deaths reported in the first 6 months of the year. For example, in July, Manzar Husain was shot and killed while being transferred to police custody in Punjab. In August, Zafar Iqbal was tortured and killed while in police custody (see Section 1.c.). In September, Samuel Sunil was tortured and killed while in police custody in Qilla Singh Police Station. In September, riots broke out in the district jail in Sanghar after the torture and killing of prisoner Mohammad Akbar. There were no new developments in the encounter deaths from 2001 or 2002. 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 26 persons died from police torture during the year (see Section 1.c.).

Security forces continued to use lethal force to disperse demonstrations (see Section 2.b.). On May 11, Rangers shot and killed one protester in Okara. No arrests or investigations have been made in this case. The demonstrators in Okara were

protesting the Rangers' demand that they shift from a sharecropping to a leasehold tenancy. At year's end, the Rangers paid the family compensation for the 2002 killing of the protester in Okara. The Lahore High Court was petitioned; however the case still was pending at year's end. The Government set up roadblocks and checkpoints around the area and restrictions on water were enforced (see Section 2.d.). Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings; however, in general police continued to commit such killings with impunity.

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. For example, on May 20, Noshad Ansar, nephew of a regional MQM official, reportedly was killed in Karachi when unknown persons fired on his vehicle (see Section 5).

Police professionalism was low. At year's end, the comprehensive package of police reforms had not been implemented fully, and many local officials complained that the system had no real control over the police.

There were numerous killings during the year. For example, on October 6, unknown gunmen killed Maulana Azam Tariq, a Member of the National Assembly and chief of the Millat-I-Islamia, and four companions in Islamabad. Tariq was an extremist Sunni cleric and politician who allegedly had been behind many sectarian attacks against the Shi'a community. Violent anti-Shi'a demonstrations occurred in Islamabad and Sindh following the killing (see Section 2.b.). At year's end, Allama Saijid Naqvi was detained in connection with the investigation into the deaths.

There was no action taken, nor was any likely to be taken, in the following 2002 cases: The April killing of Mustapha Kamal Rizvi and Nishat Malik in Karachi; and the June death of Omar Asghar Khan.

There were numerous bombings during the year. For example, on July 4, 52 persons were killed in Quetta when unknown individuals detonated bombs and shot into a Shi'a mosque during services (see Section 2.c.). On July 11, 2 persons were killed when a suicide bomber blew himself up at Kawish Crown Plaza Shopping Center in Karachi. In December, unknown persons targeted leading government officials; they attempted to kill President Musharraf on two occasions. No one claimed responsibility for any of these acts.

During the year, two militants were convicted and sentenced to death for the May 2002 suicide bombing that killed 11 foreign engineers in Karachi.

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 groups continued, although the number of Shi'a professionals killed in Karachi and elsewhere decreased from 2002. In addition, Ahmadis, Christians, and other religious minorities often were targeted. At least 100 persons were killed in sectarian violence during the year, most carried out by unidentified gunmen. For example, on June 8, unknown gunmen shot and killed 11 Shi'a police cadets in Quetta.

Numerous such killings remain unresolved. During the year, police made no arrests in connection with past sectarian killings.

"Honor killings" were a problem (see Section 5). Human Rights organizations estimated that at least 631 women and girls were killed by family members in so-called honor killings; however, many more women are believed to be affected by this crime. According to UNICEF, about half the honor killing deaths took place in Sindh, and it is believed that many more cases go unreported in Baluchistan and the North West Frontier Province (NWFP). For example, police exhumed the body of Afsheen Musarrat in Punjab after the President ordered an investigation into her death. One doctor told a newspaper, "We have found marks of torture on the body. Half of the body was blue, suggesting electrocution." In August, a woman and her four daughters were killed in Muridke allegedly by an uncle because he doubted their modesty. During the year, police made no arrests in connection with the 2002 killing of Mehvish Miankhel.

Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors; however, in November, the country and India announced a ceasefire. By all accounts, the ceasefire continued at year's end.

b. Disappearance

There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there were some reported cases of disappearances during the year. In most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.d.) For example, in March, Akhtar Baloch, coordinator for the Human Rights Commission of Pakistan (HRCP), disappeared after being driven home by an HRCP colleague. Security forces did not acknowledge that they held Akhtar Baloch; however, Reuters news agency reported that police later admitted he was in their custody. At year's end, Baloch was released. On December 16, there were reports that journalist Khawar Mehdi Rizvi was detained by Government agents. On several occasions, Government officials publicly confirmed that the ISI was holding Rizvi for questioning. However, police officials swore in court that they were not holding him and were not aware of his detention. His whereabouts were unknown at year's end.

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.

There were no developments in the January 2002 kidnapping and killing of foreign journalist Daniel Pearl in Karachi. In 2002, all four defendants were found guilty, and Sheik Omar Saeed was sentenced to death.

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, security forces regularly tortured, and otherwise abused persons. Police routinely used force to elicit confessions. 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 at times dismissed such confessions.

Security force personnel continued to torture persons in custody throughout the country. For example, according to Human Rights Watch (HRW), Rasheed Azam was beaten and tortured at Khuzdar military cantonment. In September, two prison officials allegedly beat and killed 18-year-old Sunil Samuel at Camp Jail in Lahore after he was sexually assaulted by inmates.

Over the years, there have been allegations that 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.

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 Hadd punishments require a high standard of evidence, and, 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.

Special women's police stations have been established in response to complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they 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 National Commission on the Status of 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. 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.

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

Members of the security forces continued to beat and harass journalists (see Section 2.a.).

Police failed in some instances to protect members of religious minorities--particularly Christians and Ahmadis--from societal attacks (see Section 2.c. and 5). Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to HRCF, there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. Sialkot prison had a prison population of 2,300 in a space designed for 750. Thirteen prisoners died in Adiala and Central Jail in Lahore during the year due to poor treatment and poor conditions. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses. Inadequate food in prisons 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 usually 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.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. AI reported that minors routinely were shackled.

There were reports of prison riots. On July 25, a riot broke out in Sialkot maximum-security prison, and three judges were taken hostage while inspecting the jail. Police stormed the jail and freed the remaining hostages. Subsequently, an investigation into the riots was initiated by the local Government. Preliminary reports placed responsibility for the riot on the Deputy Inspector General of Police. An arrest warrant was issued for the Deputy Inspector General and the Senior Superintendent of the Sialkot police. By year's end, the police had failed to enforce the arrest order. 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 the end of 2002. 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. 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. Many children in prison were born to female inmates who were sexually abused by prison guards. The Juvenile Justice System Ordinance (JJSO) was passed in 2000 to protect the rights of children; however, according to AI, an estimated 4,500 children were held in the nation's prisons, of which 3,000 were awaiting trial. 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.). 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.

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. 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.). Javed Hashmi, president of the 15-party Alliance for Restoration of Democracy, was arrested on October 29 and initially denied access to his family and lawyers (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. 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; however, 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 Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The National Accountability Ordinance (NAO) permitted the NAB to hold suspects without charge for 15 days, renewable with judicial concurrence (see Section 1.e.).

There were some reported cases of disappearances during the year; however, in most cases the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.b.).

In November, the Government banned three groups that had previously been proscribed as terrorist organizations but had resurfaced using new names. The number of detained members of banned extremist and jihad groups was unknown at year's end.

The failure of the Government to investigate and punish abusive police officers effectively created a climate of impunity for police abuse. The failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse.

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. Press reports indicated 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.

Actions taken to redress police abuses had mixed results. At year's end, the Public Safety Commission had not been established due to financial constraints.

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. During the year, the police in Punjab began investigating the 2002 Mukhtaran Bibi gang-rape case. The police discovered that Mukhtaran's brother himself had been raped earlier by men of the tribe, who then covered up the crime by accusing the boy of misbehavior and shaming his family into silence. The eight suspects remained in jail pending their appeal with the Appellate Tribunal.

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. HRCP estimated that there were almost as many individuals awaiting trial in jail as there were prisoners serving sentences.

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 Supreme Court Bar Association, there were 13,767 cases pending in the Supreme Court as of September. 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.

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 1999, Zardari was tried and convicted separately on corruption charges. The Government continued to detain Zardari during the year on a variety of corruption charges. In August, an investigative magistrate in Switzerland issued a preliminary judgment finding Benazir Bhutto and Asif Zardari guilty of money laundering and receiving bribes from two Swiss firms nine years ago and proposed a suspended six-month prison sentence and \$50,000 fine for each of them. Ms. Bhutto and Mr. Zardari rejected the Swiss finding; a formal trial was pending at year's end. 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 persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court and may meet with citizens or their countries in prison visits. Local human rights activists reported few restrictions to their access to prisons.

On October 29, opposition leader and member of Parliament, Javed Hashmi, was arrested for releasing an anonymous letter allegedly written by army officers that was critical of President Musharraf's leadership. Hashmi was charged with conspiracy, forgery and inciting the armed forces against the government. The Government has sought to hold all court proceedings before a panel of judges inside the prison where Hashmi was held. The incitement charge carries a maximum penalty of life imprisonment. Authorities refused family access and legal counsel for the first several weeks of his incarceration. Hashmi remained in detention at year's end.

The Government justified the creation of anti-terrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The anti-terrorist courts reportedly sentenced 27 persons to death during the year. For example, in August an anti-terrorism court sentenced two workers of the Lashkar-i-Jhangvi to death and two others to life imprisonment. In previous years, the Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings (see Section 2.b.).

Despite governmental claims that NAB cases would be pursued independent of an individual's political affiliation, in previous years, NAB had selectively targeted certain persons in the anti-corruption campaign (see Section 1.e.). In previous years, senior opposition figures charged that NAB threats were used to pressure politicians to join the PML-Q.

There were reports that the Government detained journalists (see Section 2.a.). Former Prime Minister Nawaz Sharif remained in exile. Dr. Farooq Sattar's 2000 conviction on widely disputed corruption charges continued at year's end. Hundreds of MQM activists have been arrested over the last four years, and several dozen remained in custody at year's end; some of these activists were being held without charge. Two factions of the MQM split have been fighting each other for

several years; according to observers, most of those arrested were picked up for violent crimes. The main wing of the MQM is now part of the ruling coalition in the national and Sindh provincial government; and those currently held in detention all appear to be violent persons from the minority wing of the party. According to MQM officials, police have arrested more than 700 MQM officials during the past 4 years. 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. Nongovernmental Organizations (NGOs) estimated that approximately 70 percent of women in jails were awaiting trial for adultery-related Hudood offences. Many of the women charged under the ordinance have little prospect of having their cases tried in the near future. Most women tried under the ordinance were acquitted, but the stigma of an adultery charge alone is severe. The National Commission on the Status of Women issued a report in October that stated "as many as 88 percent of female prisoners are serving time for violating the 1977 Zine Ordinance [Hudood]"(see Section 5).

Non-governmental jails exist in tribal and feudal areas. Most such prisons were in rural areas controlled by tribes. 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 (see Section 6.c.).

The law does not permit forced exile. During the year, the Government surrendered citizens to foreign authorities and deported foreigners on suspicion of being al-Qa'ida or Taliban fighters; however, the exact number of those detained, arrested or deported was unknown. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism.

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 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. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. In 2002 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.

There were several court systems with overlapping and sometimes competing jurisdictions: Criminal; civil and personal status; terrorism; commercial; family; and military.

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 non-bailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with non-bailable 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 pre-arrest bail, and thus were spared arrest and incarceration.

The anti-terrorist courts, set up in August 1997, 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 kidnapping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnapping 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 2001 and again in November 2002, the Government approved amendments to the Anti-Terrorist Act. The 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." The Parliament has yet to ratify the amendment, which 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 anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. For example, according to the Lawyers Committee for Human Rights, Zia Ahmed Awan, president of the Karachi-based Lawyers for Human Rights Legal Aid, said, "it would only increase the victimization of ordinary people at the hands of the police and other law enforcement agencies." The anti-terrorist 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 NAB and special accountability courts try corruption cases (see Section 1.d.). The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) estimated to be owed to the country's banks by debtors, primarily from among the wealthy elite. The 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.

Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, the 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, the NAB has charged no serving members of the military or the judiciary. 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 (see Section 5). 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. 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 June, the MMA-led government of the NWFP passed a bill to implement Shari'a law in the province. The bill gave Shari'a precedence over secular provincial law, proposed restricting the rights of women and harmonizing the educational and financial systems with the Koran. The bill passed unanimously and without debate and human rights activists demonstrated against it in rallies and other protests. However, no implementing legislation or regulations have been issued, and no enforcement action had been taken as of year's end.

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.

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.

In previous years, in remote areas outside the jurisdiction of federal political agents, tribal councils levied 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). For example, on September 2, eight family members were killed after a dispute in which the family failed to provide two young girls in marriage to another family, in exchange for the unauthorized marriage of a young couple. The investigation was ongoing at year's end.

There were reports of approximately 3 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.c. and 1.d.).

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

The Government does not respect the right to privacy. 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. Under the anti-terrorist ordinances, anti-terrorist courts tried many blasphemy cases. 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 used 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 degree of compliance with this ruling was unclear at year's end.

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 opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.

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 self-censorship, and human rights groups continued to report acts of intimidation against journalists. 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. 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.

In 2002, three ordinances on the press were adopted. The ordinances increased the penalties for defamation, imposed a system of prior authorization for the news media, and created a press council under considerable influence by the Government; however, no information was given as to when the ordinances would enter into force. The Constitution also prohibits 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 addition, any person who printed, published, or disseminated any material from these organizations was subject to 6 months' imprisonment.

Reports of intimidation, heavy-handed surveillance, and legal action against journalists continued throughout the year. For example, there were credible reports that Amir Mir, senior assistant editor of the Herald, a magazine noted for its critical coverage of the Government, received threats from government officials during the year. On November 22, three unknown persons set fire to Mir's car and he received threatening telephone calls from a member of the ISI telling him that this "was just the beginning." Further, there continued to be some reported cases of journalist disappearances during the year; however, in most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see 1.d.). On December 16, Marc Epstein, Jean-Paul Guilloteau, and Khawar Mehdi Rizvi were detained by security forces for allegedly having faked a Taliban training session in Baluchistan. The two French journalists were charged with visa violations for traveling to Quetta without permission. Marc Epstein and Jean-Paul Guilloteau were released on December 24; however, there was no further information available on Khawar Mehdi Rizvi at year's end.

During the year a few journalists were arrested, according to the HRCP. 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, including through threats of violence and death. Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. In 2001, the Government closed the Peshawar daily Frontier Post and arrested five members of its staff after the newspaper published a letter to the editor that contained derogatory characterizations of the Prophet Mohammad. During the year, a copy editor of the Post was convicted of blasphemy and sentenced to life-imprisonment. He filed an appeal; however, no ruling was made on the appeal at year's end (see Section 2.c.).

The Government 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 practiced self-censorship.

A vocal private press criticized the President and the Government. However, violence against and intimidation of journalists was a nationwide problem. For example, the Committee to Protect Journalists reported that in October, unidentified gunmen killed Ameer Bux Brohi, a district reporter for the largest Sindh-language daily newspaper in Sindh Province. Some NGOs believe that Brohi's critical reporting of the Government motivated the killing. No known official action was taken by year's end. 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. Geo TV, Indus, and ARY carried live news coverage about the country, and often broke stories hours before PTV. In contrast, domestic news coverage and public affairs programming on PTV and state-run radio 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, foreign news stories were rarely censored for content. The Ministry of Information exercised some influence over broadcasting through the selective allocation of government advertising budgets. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

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 Government shut down Indian channels from cable systems during the year. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content." However, no action had been taken by year's end.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum within which political parties, commercial, religious, and various other interests vie. Although the press may not criticize Islam as such, debate about the practice of Islam, and criticism of religious leaders and movements, was permissible.

The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) loosely controlled press coverage of military matters. 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.

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.

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, in 2002, or in 2001. There were no further developments in the 2002 killing of the editor of "Kohistan."

During the year, the persons allegedly responsible for the 2002 killing of journalist Shahid Soomro were arrested and confessed to the police. They reportedly paid a high monetary sum to the victim's family and were released.

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. On July 28, the Government banned an issue of Newsweek magazine that included an article on the Koran deemed offensive. 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 June, militants in the Punjab smeared three

billboards and threatened to burn down posters featuring images of women if city officials did not remove them. The activists said the billboards were "vulgar and obscene." During the year, police cracked down on pornographic and unlicensed cinemas in the North-West Frontier.

The Government limited access to the Internet. During the year, the government restricted access to the South Asia Tribune periodically, and the Ministry for Information and Media Development also cautioned local media not to carry stories run by the Tribune.

The Government generally did not restrict academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to limit academic freedom. 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. For example, in October, feuding tribes of students fought one another at Quaid-i-Azam University in Islamabad. One student was shot and killed. In November, at Karachi University, a student mob ransacked the Department of Visual Studies and destroyed musical instruments, sculptures and paintings. At Punjab University, the student wing of the political party Jaamat-i-Islami continued 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 in practice. Rallies and processions on streets, roads, and railway stations remained generally 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 opposition rallies, which were held by an alliance of political parties. In 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. The ban was enforced unevenly.

District mayors 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, in July, the district government denied a permit to hold a public meeting in Lahore. After the opposition parties threatened to disrupt a pro-government party's meeting, the Government allowed the rally to occur. The Government generally allowed all Islamist parties to hold rallies and campaign; and, during the year, the government granted rally permits to secular parties (see Section 3).

Unlike in previous years, there were no reports that the MQM was harassed in its regular political activities.

Police sometimes used excessive force against demonstrators (see Section 1.a.). The Government did not prosecute any members of the security forces responsible for excessive force against demonstrators in previous years, nor is it likely to do so. 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 the right of association subject to restriction by government ordinance and law. 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 states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. Islam was the dominant religion. The Constitution requires that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. All citizens, regardless of their religious affiliation, were subject to certain provisions of Shari'a, such as the blasphemy laws. 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 to a climate of impunity for acts of violence and intimidation against religious minorities.

Religious groups must be approved and register to function legally; there were no reports that the Government refused to register any group.

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."

During the year, the number of cases filed under the blasphemy laws continued to be significant. A local NGO estimated that 157 persons had been incarcerated for violations of the blasphemy law during the year. For example, in July, Munawar Mohsin, an editor at the Frontier Post newspaper, was convicted of publishing a blasphemous letter and sentenced to life imprisonment (see Section 2.a.). The appeal of Wajihul Hassam, who in 2002 was accused of blasphemy, continued during the year. There were no developments in the 2000 trial of Nasir Ahmad. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. There was no further action taken in the 2001 blasphemy case against Pervez Masih, a Christian in Sialkot District. By year's end, the Lahore High Court acquitted two Christian brothers who had been sentenced to 35 years' imprisonment for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. On August 7, the Lahore High Court upheld the life sentences of two Christians, Amjad Masih and Asif Masih, who allegedly set fire to the Koran while in police custody.

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. An appeals court ruled that the case of Younis Shaikh, sentenced in 2000 on blasphemy charges, was to be retried. On November 21, Shaikh was acquitted and released from detention. The trial was ongoing in the 2002 killing of Yusuf Ali at year's end. 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.

Under the Madrassah Registration Ordinance of 2002 all madrassas (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards or else risk being fined or closed. The ordinance was designed to regulate the madrassas, where many poor children are educated, and to combat religious extremism. The madrassas no longer were allowed to accept grants or aid from foreign sources, although madrassas offering courses in science, math, Urdu, and English were eligible for government funds. Madrassas were given 6 months to comply. Over 8,000, out of the approximately 10,000 to 20,000 madrassas in the country, were registered at year's end.

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. 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 2002, the Government announced the restoration of a voter registration form that singled out Ahmadis by requiring them to swear they believe in the "finality of Mohammed's prophethood." 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, limits on 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 attacks on 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 100 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. For example, in July, 57 persons were killed by three unknown militants in the Asna-Ul-Asharia mosque in Quetta. Security forces arrested three suspects in the mosque attack at year's end.

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 July, a Roman Catholic Priest, Father George Ibrahim, was killed by unknown persons in an attack on a church in Okara District. During the year, police arrested an Islamic militant leader in connection with two attacks in 2002 on Christians in which 11 persons were killed; however, in most cases, there were 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.

In November, the Government banned three previously banned groups that had resurfaced using new names. Over a hundred 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 subsequently released. 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 madrassas 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. For example, on July 17, Brigadier Iftikhar Ahmad, a well-known Ahmadi, was shot in his home in Rawalpindi. Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. In 2002, most Ahmadis boycotted the national elections after the government developed two voting lists, one for Ahmadis and one for all other citizens, including other religious minorities. 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.

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. Government employees and students must obtain "no objection" certificates before traveling 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. In October, the Government added well-known minority rights activist Shahbaz Bhatti to the ECL. In response to domestic and

international pressure, Bhatti was removed from the ECL in November. According to the Government, there were approximately 352 names on the ECL. 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. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government provided temporary protection to many persons during the year. Temporary protection has been provided to refugees from Afghanistan since 1979. According to the U.S. Committee for Refugees, approximately 1.5 million Afghan refugees remained in country at year's end. There also were many unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In March, representatives of the Government, the Government of Afghanistan, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves.

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. During the year, the Government and UNHCR announced the consolidation and closing of camps near the Khyber Pass in the NWFP and camps in the Balochistan province.

The Government occasionally harassed refugees and threatened them with deportation. 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. There were credible reports that some in the refugee community faced harassment by intelligence agencies reportedly looking for al-Qa'ida.

The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 2002, UNHCR started a voluntary

repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees.

Most able-bodied male refugees have found at least intermittent employment; however, local labor laws do not cover them. 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 had occurred.

According to press reports there are approximately 1.5 million displaced Kashmiris in the country. Under the law, the Kashmiris are entitled to the same rights as citizens; however, it is unknown how many Kashmiris are displaced from Indian-controlled Kashmir.

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; however, dominance of the political process by the President and the military severely limited the ability of citizens to exercise this right. President Musharraf has controlled the Government since 1999 and continued to dominate the federal coalition government led by the Pakistan Muslim League (Quaid-e-Azam). The 2002 national elections were deemed somewhat free and fair by many international observers, although there were serious flaws. 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.

In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide referendum held on April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal 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. Several of the amendments had the effect of transferring substantial executive power from the prime minister to the previously symbolic presidency.

Elections were held for local governments in 2001, and for the National Assembly in October 2002. Domestic and international observers criticized the elections as deeply flawed. In February, Senate elections were held and resulted in 55 seats for the Pakistan Muslim League-Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of

Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president.

The National Assembly met during the year; however, no bills have been passed since 2002, with the exception of the national budget. President Musharraf, the intelligence services, and the military continued to dominate the Government. Corruption and inefficiency remained acute, although reforms initiated by the Government to reduce corruption have had some effect on officials at higher levels of government.

In 2002, 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. 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. The Legislative Framework Order (LFO), which allowed: 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 generally free of serious irregularities. Three leading secular political parties (PPP, PML-N, and MQM) were hampered in their political activities by the absence in exile of their 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 (see Section 1.e.).

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 2002 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.

President Musharraf continued to focus on the need to reduce the power of the central Government by devolving power to the local level. A National Reconstruction Bureau (NRB) was established at Cabinet level to develop new structures and

processes for sub-provincial governments. 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.

The Government permitted all existing political parties to function; however, they did so with restrictions on their ability to hold public rallies (see Section 2.b.). Before the 2002 elections, 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 arrested several persons in opposition political parties during the year. For example, in March Rena Sanuallah Khan, an opposition member of the Punjab provincial assembly, who had been critical of the 1999 coup and the proposed LFO amendments to the constitution, was detained by unknown members of the security forces. According to press reports and HRW, Khan was interrogated and beaten throughout the night before being released the next day. During his interrogation, Khan alleged that he was cut and he had unidentified chemicals poured into his wounds. He also had his eyebrows, mustache, and head shaved by the security members. On October 29, authorities arrested opposition leader Javed Hashmi and charged him with sedition. The Government has accused Hashmi of defaming the army after publicizing a letter allegedly written by disaffected army officers which criticized Musharraf and senior military leaders. The Government initially denied Hashmi access to a lawyer and family members; however, it later permitted such meetings, which were monitored by the security forces. On December 5, Hashmi was denied bail and ordered to move to a different prison. Hashmi remained awaiting trial at year's end.

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 but was seldom enforced. 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 were 73 women in the 342-seat National Assembly; there was one woman in the Cabinet; and none in the Supreme Court. During 2001, the Government set

aside one-third of the seats in the local council elections for female candidates. In 2002, 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 2002, 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 chief ministers also have named women to serve in their cabinets.

There were 10 minorities in the 342-seat legislature; there were none in the Cabinet; and there were none in the Supreme Court. The Government distinguished between Muslims and non-Muslims with regard to politics and political rights (see Section 2.c.). In addition to joint electorates, minorities could vote for reserved at-large candidates who would represent their groups. The 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 non-minority candidates who represent geographic constituencies. Under Article 106 of the Constitution, minorities also had reserved seats in the provincial assemblies (see Section 2.c.).

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 in 2002, 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.

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.

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. However, the department is not viewed as effective by

human rights observers, and the situation in the prisons did not improve during the year.

The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials and other government officials.

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.

The spread of HIV/AIDS was estimated to have infected approximately 2,080 persons during the year, and there was societal discrimination against persons with HIV/AIDS. According to Haji Muhammed Hanif, the general secretary of the advocacy group, AIDS Prevention Association of Pakistan (APAP), "social attitudes were a significant factor in dictating how people infected with the virus reacted to the thought of having to disclose the nature of their illness before seeking treatment." In response, in October the Government launched a \$47 million dollar program to combat the disease; however, by year's end, it was unclear how the program would be implemented.

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 National Commission on the Status of 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. For example, in December, Mohammed Sajid was convicted of attacking and blinding his 17-year-old fiancée with acid in Punjab. The court sentenced Sajid to seven years in jail and ruled that Sajid be blinded by acid in a public setting. Police said the defendant was likely to appeal his conviction and sentence. During the year, in Punjab, 99 burn cases were reported. 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 an 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.

The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, 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.

Rape was a pervasive problem. It is estimated that less than one-third of all rapes are reported to the police. 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. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.).

According to HRCF, 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 AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

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. 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). Women also face problems in the collection of evidence: doctors tasked to examine rape victims often believe that the victims are lying; they are inadequately trained and equipped for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; 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, they 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 police or the alleged perpetrators frequently harassed women 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 National Commission on the Status of Women in 2001 criticized the Hudood Ordinances and pointed out that a woman charged with adultery 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. 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. It is estimated that at least 631 women were killed as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh, during the year. Approximately 102 honor killings took place in Punjab according to the HRC. 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 National Commission on the Status of 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.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country. 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 2002, 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. In May, the NWFP government approved legislation to create the Department of Vice and Virtue to "encourage human and Islamic values, discourage social evils and ensure the supremacy of law." Most NGOs oppose the formation of such a Department and feared it would lead to a "climate of intolerance;" however, there were no further developments by year's end. The NWFP also banned men from training female athletes or watching women play sports (see Section 5).

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. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens.

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 in some areas was particularly harsh. 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. 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. 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. For example, on July 22, the press reported the case of a twenty-year-old female from the NWFP who was sold to a 75-year-old man from Punjab.

In December, the Supreme 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. Studies showed the gross primary enrollment rate for the country was 86.2 percent. According to the World Bank, more than a third of the nation's 10-year-olds have never attended school. According to the U.S. Agency for International Development, boys average less than two years of attendance, girls less than one. Nearly two of every five children are undernourished. 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 17 percent were able to write a simple letter.

Information about progress in educating girls was contradictory. According to The New York Times Magazine, only 29 percent of women can read, while approximately 44 percent of all adults are literate. 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 madrassas 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 quoting 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 2002, the Government announced a ordinance regulating madrassas 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 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 madrassas, and as a result, the Government failed to enforce most of the requirements. The Ministry of Education claimed that 8,000 madrassas were registered with the Government at year's end.

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

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 83 cases of polio were reported in November 2002.

Children sometimes were kidnapped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.). In rural areas, it is a traditional

practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently 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.

The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. Trafficking in children is a serious problem. Child prostitution involving boys and girls is known to exist but rarely is discussed. 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 (see Section 6.f.).

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

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

Several NGOs promoted children's labor rights and child protections, operating in Islamabad, and in the provinces.

Persons with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services 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.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. 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 were able to affiliate with international organizations.

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 or teachers 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 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.

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; however, no information on the results of this study were made public at year's end. 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, reported that it had freed about 1,000 bonded brick kiln workers in 2002. Bonded labor, including bonded child labor, reportedly was 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. 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 has not committed funds to combat child labor.

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 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.

Child labor, mostly female, was common in the carpet industry, much of 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 program, aimed to decrease child labor in the carpet industry by promoting educational opportunities for children, has resulted in a rising demand for enrollment in public schools that far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, approximately 15 percent of the child labor accounted for works in Sialkot. An ILO-IPEC program in the surgical instrument manufacturing industry in Punjab was expanded into its second phase in September. With this expansion, the program hoped to provide education opportunities to Sialkot child laborers.

Enforcement of child labor 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 year's end, the ILO child labor program began assessing their impact on child labor; however, the assessment the Government undertook is to be completed in 2004. 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.

The Government has undertaken joint projects with various international organizations to address the child labor problem. While results generally are positive, the numbers of children involved are only in the low thousands in total.

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 kidnapped 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 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 protections 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.

Government officials stated that progress in implementing the 2001 labor 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 kidnapping. 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. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

The country is a source, transit, and destination point 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 citizen women are trafficked abroad, 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, their pimps, who required them to return to prostitution, often bailed out trafficking victims. 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 National Commission on the Status of 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.

Young boys were trafficked to the 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. Most are from Punjab or Sindh. 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 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 May, twenty-two camel jockeys were returned to the country from the UAE. Within the country, children sometimes are kidnapped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Section 6.d.).

The Government assisted underage children and has rescued some kidnapped victims. During the year, the Overseas Pakistani Foundation helped to repatriate 30 minor children who were trafficked to the Middle East to work. The establishment of crime circle in FIA to deal with child trafficking has produced a significant increase in apprehended traffickers.

The Government sponsored 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.