

Pakistan

Country Reports on Human Rights Practices - 2006 Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

Pakistan is a federal republic with a population of approximately 168 million. The head of state is President Pervez Musharraf, who assumed power after overthrowing the civilian government in 1999 and was elected president in 2002. He affirmed his right to serve concurrently as chief of army staff in August 2002 through a series of controversial amendments to the 1973 constitution called the Legal Framework Order. The head of government is Prime Minister Shaukat Aziz, whom the National Assembly elected in 2004. Domestic and international observers found the 2002 National Assembly elections deeply flawed. The government was affected by internal conflicts in Balochistan and in the Federally Administered Tribal Areas (FATA). While the civilian authorities generally maintained effective control of the security forces, there were instances when local police acted independently of government authority.

The government's human rights record remained poor. Major problems included restrictions on citizens' right to change their government, extrajudicial killings, torture, and rape. The country experienced an increase in disappearances of provincial activists and political opponents, especially in provinces experiencing internal turmoil and insurgencies. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Harassment, intimidation, and arrests of journalists increased during the year. The government limited freedoms of association, religion, and movement, and imprisoned political leaders. Corruption was widespread in the government and police forces, and the government made little attempt to combat the problem. Domestic violence and abuse against women, such as honor crimes and discriminatory legislation that affected women and religious minorities remained serious problems. Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.

The government's Anti Trafficking Unit (ATU) was fully functional and reportedly resulted in increased arrests and prosecutions of human traffickers. Cooperative efforts between the military, ATU, and international organizations prevented human trafficking resulting from the social dislocation following the 2005 earthquake.

Training efforts within the security forces greatly improved treatment of trafficking victims.

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 extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Through July, human rights observers reported at least 37 instances of encounter killings and 79 killings in police custody.

Police stated that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press reported that many of these deaths were staged.

There were no developments in the March 2005 death in custody case of Samiullah Kalhor, the vice chairman of the Jeay Sindh Muttahida Mahaz.

There were no developments in the January 2005 death in police custody of Abu Bakar Panwhar. A case was charged against Officer Mohammad Rafiq Siyal, Senior Inspector Khamiso Khan, assistant senior inspector Ghulam Shabbir Dasti, and Police Constable Mohammad Aslam after protests by the Sindh People's Students Federation and the Pakistan People's Party Parliamentarians.

On January 13, police arrested Habibur Rehman in a car theft case in Chitral. According to Rehman's father, police tortured Rehman while he was in police custody. Rehman was subsequently taken to district headquarters hospital, where he died on January 16. The doctor stated Rehman was in shock and critical condition from being beaten. At year's end, police had not taken any action.

On July 8, Muslim Town police in Lahore killed a 14 year-old boy named Salman and seriously injured his 15 year-old friend Asqhar. The police fired randomly at the boys and later alleged that Salman was killed in a police encounter, claiming that the boys were armed and shot at the police. According to eyewitnesses, the boys were not armed. The government began an official inquiry and registered a murder case against constable Munammad Sarwar of the antiterror police. However, authorities did not charge Malik Munir, the SHO who ordered the shooting, or any other Muslim Town police officers responsible for the incident. SHO Malik Munir was transferred after a brief suspension, while the constable remained in custody. Salman's family was reportedly under pressure not to pursue the case against constable Sarwar in return for a cash payment from his relatives.

There were no developments in the 2004 death-in-custody cases of Nazakat Khan and Syed Qutbuddin Shah or the 2004 killing of Tabassum Javed Kalyar.

The government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity.

Continued clashes between security forces and terrorists in the FATA resulted in 289 deaths, including civilians, militants, and security forces. According to media reports, more than 100 civilians were killed, along with dozens of government security forces, in Balochistan.

On March 1, militants associated with the Taliban movement seized government buildings in Miranshah, North Waziristan. On March 3, the government began a military operation to retake the buildings. According to Human Rights Watch (HRW), thousands of residents fled Miranshah to avoid the fighting. The government reported that 140 militants were killed in the fight.

In Balochistan, according to nongovernmental organizations (NGOs), 119 civilians and 57 members of the security forces died as a result of the ongoing insurgency. The government claims approximately 125 Balochistan Liberation Army militants were killed.

According to Amnesty International (AI) and Human Rights Commission of Pakistan (HRCP), local people in Balochistan demanded a greater share of the revenue generated by their province's natural resources. They resented the slow pace of economic development and persons who settled there from other provinces. A number of Balochi groups sought more rights for the province and campaigned peacefully, while others resorted to violence.

On August 26, militant Baloch nationalist leader Nawab Bugti, 35 of his followers, and 16 military officers and soldiers were killed in an explosion inside a cave in Balochistan. According to the media, Bugti and his followers were killed when the Air Force bombed Bugti's hideout. The media reported that 16 soldiers died in the ensuing battle. The government stated the officers were trying to reach Bugti to speak to him when an unexplained explosion caused the cave to collapse.

There were reports of politically motivated killings perpetrated by political factions.

There were numerous political killings reported in Karachi, where political parties Muttahida Quami Movement (MQM) and Jamaat e Islami (JI) accused each other of killing political rivals. According to MQM sources, JI activists killed 18 MQM active members. JI accused MQM of killing 11 JI activists. Human rights observers reported that the total politically motivated death toll in Karachi was 31 (see section 3).

In June an Awami National Party activist, Gul Khair Khan, was killed in Nowshera in a street shoot-out. The party blamed the religious extremists of JI and Jamiat Ulema i Islami, Fazlur Rehman group. The police maintained that the shooting happened because Gul Khair Khan was involved in the lending of money. There was no further information at year's end.

During the year, HRW and AI expressed concern about reports and documentary evidence that armed Taliban supporters in the tribal areas engaged in vigilantism and violent acts, including murder.

Attacks on houses of worship and religious gatherings linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of 127 individuals during the year (see section 2.c.). According to HRW, approximately 4,0004 persons, largely from the Shi'a branch of Islam, died as a result of sectarian hostility since 1980. The Ahmadi community claims that 171 of their members have been killed since 1988 and that the government made little effort to bring those responsible for these and other acts of sectarian violence to justice or to provide protection for the targets or their families.

Religious extremist organizations killed and attempted to kill government officials and Islamic religious figures from opposing sects (see section 2.c.). On February 9, a suicide bomber killed 29 people and injured more than 50 in an attack on a religious procession in the town of Hangu in North Western Frontier Province (NWFP). The explosion disrupted a congregation of Shia marking the Ashura festival and sparked a riot. As a result of the explosion, the Army imposed a curfew. Police arrested three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization.

On April 11, terrorists killed 59 persons and injured more than 100 in a bombing at a Sunni (Brelvi Sect) birthday celebration of the Prophet Muhammad in Karachi. Media reports attributed this bombing to intra Sunni violence targeted against the leadership of Sunni Tehrik. The government made many arrests and constituted a judicial tribunal, but its report was not released to the public at year's end.

On May 30, a suicide bombing on a Shia mosque in Karachi killed 11 persons, including two worshippers, a policeman, and the other attacker. Police arrested Muhammad Tehsin, a member of the terrorist organization Lashkar e Jhangvi. On September 28, an antiterrorism court sentenced Tehsil to death.

On September 21, unidentified gunmen assassinated Syed Bashir Hussain Bukhari, an 85-year-old Shia religious leader in the main bazaar of Sargodha, Punjab. The assailants fled after the firing, and no one claimed responsibility for the attack.

In June 2005 a Karachi antiterrorism court convicted Gul Hasan for murder and sentenced him to death for the May 2005 bombing of a Shi'a mosque that killed 45 persons.

There were no developments in any of the cases of attacks on houses of worship that occurred in 2004.

The government had not conducted investigations on the sectarian violence from 2005, including the March 2005 bombing of the shrine of Pir Syed Rakheel Shah, which killed 40 and wounded more than 100; the May suicide bombing of the Bari

Imam shrine, which killed 20 and wounded more than 100; or the May suicide bombing of a Shi'a mosque in Karachi, which killed five and injured 30. No one was arrested for these actions. The trial of members of the radical Islamist Jandullah group implicated in attacks on foreigners and government officials in 2004 continued at year's end. There were no developments in the other 2004 cases of the killing of government officials and religious figures, or terrorist attacks on foreign targets.

Foreign terrorists and their local tribal allies attacked and killed military personnel, government officials, and progovernment tribal chiefs in the FATA. There were some investigations but no arrests in the 2005 killings of progovernment chiefs in Waziristan.

A report released by the HRCP in January noted with concern that armed Baloch fighters opposing the army's presence laid landmines, as a result of which civilians were indiscriminately killed and maimed.

On January 16, three children were reportedly killed in Kahan by aerial bombing, and on February 7, 13 persons were killed by a bomb planted by armed fighters.

On November 8, a suicide bomber killed approximately 42 soldiers at they exercised at an army training school in Dargai, NWFP. According to media reports, the attack was allegedly carried out by Tanzim Nifaz Shariat Mohammadi, which has links to the Taliban.

On January 7, months after militants killed the tribal elder of South Waziristan, Malik Khandan Khan, unidentified assailants killed five members of Khan's family in an attack on their vehicle in Wana. Khan's two sons, a nephew, and two grandchildren died on the spot. Because the attack took place in FATA, there was no police investigation.

On May 19, suspected militants killed another senior progovernment tribal chief of the Dawar tribe, Tooti Gul, in the Khaddi area of Miranshah in North Waziristan.

On July 22, suspected tribal militants killed three top progovernment tribal elders, six of their close relatives and one bystander in three separate incidents at different places in South Waziristan. In the first incident, armed individuals killed chief of Ahmadzai Wazir tribe Malik Mirza Alam Khan, his two brothers, son and nephew when they opened indiscriminate firing on their vehicle at Dazja Ghundai near Wana. In the second incident, armed militants at Karama in Laddha Teshil shot Malik Khandan Khan along with his son and a close relative. Meanwhile, government agencies recovered the body of Malik Taj Muhammad, who had been killed by unknown assailants.

Honor killings continued to be a problem, with women as the principal victims. During the year local human rights organizations reported between 1,337 and 1,511 cases. Most took place in Sindh. Many more likely went unreported (see section 5).

b. Disappearance

There was an increase of politically motivated disappearances. Police and security forces held prisoners incommunicado and refused to provide information on their whereabouts, particularly in terrorism and national security cases.

AI cited a report issued by HRCP in late January, which found "scores of cases of arbitrary arrests and detention, torture, extrajudicial killings, 'disappearances' and uses of excessive force by security and intelligence forces committed in Balochistan since early 2005." AI cited a January statement by self-exiled Senator Sanaullah Baloch, who noted that at least 180 people died in bombings, 122 children were killed by paramilitary troops, and hundreds of people were arrested since the beginning of the campaign in early 2005.

According to the NGO Asia Human Rights Commission (AHRC), during the year more than 600 people disappeared after being taken into custody, including 200 persons from Sindh. AHRC reported that in Balochistan, 1,000 persons had been killed since military operations began in 2001. According to a statement by the federal minister for internal affairs, more than 4,000 persons were arrested in Balochistan since the beginning of 2005, although many were released shortly after their arrests.

NGOs such as AI and AHRC reported that the government increasingly used the war on terror as an excuse to arrest and detain political opponents. They noted the judiciary's inaction in answering habeas corpus orders filed by family members. According to AI, "The practice of enforced disappearance, which was rare before 2001, has become more common in contexts besides the 'war on terror.' Over the past two years, dozens of Baloch nationalists are believed to have been subjected to enforced disappearance and there are recent reports that leaders of Sindhi parties and members of the Shi'a minority have as well."

Families of some missing Baloch and Sindh nationalists have petitioned the courts for redress, claiming that government agencies held their relatives without due process. On November 10, the Supreme Court ordered the Ministry of Interior to disclose the whereabouts of 41 illegal detainees. Since then, 25 have been released, according to the government, although human rights groups have only accounted for 18.

On September 29, AI released a report entitled "Human Rights Ignored in the 'War on Terror'" that documented the government's abuses against hundreds of its citizens and foreign nationals. AI reported that as the practice of enforced disappearance spread, people were arrested and held incommunicado in secret locations with their detention officially denied. They were at risk of torture and unlawful transfer to third countries. The report noted that the "practice of offering rewards running to thousands of dollars for unidentified terror suspects facilitated illegal detention and enforced disappearance."

During the year there was no update on the case of Arifa and Saba Baloch, charged as potential suicide bombers in 2004.

According to AI, security forces detained two leaders of a Baloch political party, the Jamhoori Watan, Abdul Rauf Sasoli, and Saeed Brohi. On February 3, two plainclothes police officers picked up Sasoli, and on March 10, they picked up Brohi. According to AI, authorities denied holding the individuals. Family members feared that they were being held and were in danger of being tortured.

On February 24, a group of 16 men, presumed to be plainclothes police officers, seized Dr. Safdar Sarki, an American citizen and a Sindhi nationalist, in Karachi. According to AI, witnesses saw Sarki being taken in a van, "blindfolded and bleeding." AI reported that police ransacked Sarki's apartment and took his laptop computer and passport. Sarki was the secretary general of the Jeay Sindh, a Sindhi nationalist political organization advocating for the rights of Sindhi citizens.

On April 4, Muneer Mengal, managing director of the first Baloch satellite television channel, disappeared after he returned to Karachi from Bahrain. His sister, Aziza Mangal, reported that the government did not accept her appeals and petitions to gain access to her brother, who was reportedly being held by the Inter-Services Intelligence. At the end of the year, his whereabouts remained unknown.

On June 11, police arrested Naser Baloch, a Baloch student leader at Karachi University. Security agencies detained Baloch and did not bring any charges against him. On August 19, police released Baloch.

In early July, Bilal Bugti, the younger brother of Jamhoori Watan Party Secretary General Agha Shahid Bugti, and Murtaza Bugti, the son of Balochistan's first finance minister, Ahmed Nawaz Bugti, were allegedly kidnapped by intelligence agencies in Karachi.

On July 16, intelligence agencies arrested Samiullah Baloch and Obaidullah Baloch, brothers of Senator Sanaullah Baloch Zehri (Baloch National Party). Authorities released Obaidullah Baloch on July 19 and Samiullah on December 10. Both brothers allegedly reported being tortured while in custody.

In 2005 political opponents kidnapped Moto Meghwar and Gyan Chand Meghwar, potential candidates for local office in Chachro, Tharparkar District, reportedly to keep them from contesting the elections against candidates of the chief minister of Sindh Province. They were both released unharmed in January, and no charges were brought against their kidnappers.

On October 4, police from the Anti-Terrorism Force of the Punjab police reportedly picked up Abid Raza Zaidi in Lahore, Punjab. The victim disappeared soon after he gave testimony about his earlier illegal arrest, prolonged 110 day detention and alleged constant abuse by the army and police officers. Prior to this arrest, Zaidi had protested his treatment in custody at a conference jointly organized by AI and HRCP. No habeas corpus application was filed on his behalf and he was not produced before a court of law. At the end of the year, his whereabouts remained unknown.

On September 29, according to AI, Afghan national Abdur Rahim Muslim Dost was arrested without a warrant in Peshawar. AI reported that Dost was allegedly arrested due to his criticism of government agencies which had arrested, detained, and transferred him and his brother to a third country.

On December 3, during a protest in Karachi against the death of Baloch leader Akbar Bugti during a military operation, police arrested two Balochi political party leaders, Ghulam Muhammad and Sher Mohammad Baloch of the Jamhoori Watan Party. On December 6, family members filed a habeas corpus petition on behalf of the two disappeared politicians with the Sindh High Court. Sher Muhammad was later released, but Ghulam's whereabouts remained unknown at year's end.

There were no developments in the December 2005 disappearance of 18 members of the Pakistan Petroleum Workers' Union from Balochistan who had gone to Karachi for negotiations with their management or the November 2005 disappearance of Dr. Hanned Shareef, a writer, medical doctor, and member of the Balochistan Student Organization.

There was no new information available on a British national who disappeared after being detained by security agencies at Lahore University in January 2004.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons. Under provisions of the Anti Terrorist Act, coerced confessions are admissible in special courts, although police did not use this provision to obtain convictions. Security force personnel continued to severely abuse persons in custody throughout the country. Human rights organizations reported that methods included beating, burning with cigarettes, whipping the soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, use of electric shocks, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women and children during interrogations.

During the year, the NGO Lawyers for Human Rights and Legal Aid recorded 1,513 cases that they labeled torture. The NGO Asia Human Rights Commission reported approximately 1,319 cases of torture during the year. In May the NGO reported over 1,250 cases being committed during the previous 16 months, with most reported in Punjab and Sindh. Punjab had 743 cases, Sindh had 503, eight were reported in Balochistan, 43 in NWFP, and 23 in Islamabad. Torture occasionally resulted in death or serious injury (see section 1.a.).

On February 19, police arrested Arif Ali and Irfan Ali in Multan and charged them with murdering a jeweler. Police reportedly tortured both detainees while they were in custody. Irfan Ali developed kidney problems because of his abuse and was released in April. Arif was released in May, after their family appealed to the family of the dead jeweler. Local political and social leaders also called on the police to produce evidence against the accused. According to human rights NGOs, Station House Officer (SHO) Sadaat Ali admitted there was no proof that either Irfan or Arif had been involved in the murder. No charges were brought against SHO Ali.

On July 11, three policemen in Adiala Jail allegedly tortured and beat Gul Waiz when Waiz threatened to complain about the bribes the police forced his family to pay when they came to visit him. Waiz reported severe beatings and the withholding of all food. On July 17, Waiz's condition deteriorated, and he was moved to the jail hospital. After his family hired a lawyer, jail Superintendent Nadeem Kokab Warraich promised the Civil Court Rawalpindi that he would hold an independent inquiry and take appropriate action against the culprits. One constable, Muhammad Idrees, was suspended for the month of August. No action was taken against the other police officers involved.

In October police arrested Muhammad Arshad, a young shopkeeper, for "misbehaving" with a female customer at his small grocery store. Police held Arshad at the Banni Police Station in Rawalpindi, where they reportedly broke his leg while beating him after he verbally abused the inquiring officer. Police maintained Arshad slipped in the toilet and twisted his ankle. Arshad was taken to a hospital and later discharged. No inquiry against the perpetrators was held, and police dropped the case against Arshad.

In June Shahnaz Fatima and Javeria Alam complained to the special superintendent of police Islamabad that they were sexually assaulted at a police station in Islamabad after the police illegally picked them up. Police maintained that both were prostitutes and were negotiating with some clients on the roadside. Fatima and Alam escaped but were later brought to the police station. After approximately two weeks, the complainants withdrew their petition from the Office of SSP, Islamabad. The SHO of the police station Idrees Rathore, reportedly coerced the petitioners and also paid money to have them withdraw the complaint against him and his staff.

In July policeman Liaqat Ali was arrested for allegedly raping a rape victim who went to a police check point in Islamabad to report being attacked. The accuser, Ms. Surriya, went to the check point along with her mother to complain about the incident. Ali requested the mother to wait at the check point while he pretended to take Surriya to the police station for further investigation and medical checkup. Surriya reported that Liaqat instead took her to a house and sexually assaulted her. She filed a complaint in Islamabad civil courts and at the Office of SSP Islamabad. The civil court ordered an inquiry into the complaint, and Liaqat Ali was suspended from his job and arrested. Ali remained in prison at the end of the year.

In May 2005 police claimed to have resolved the April 2005 case involving Shabbir Hussain, Zafar Abass and Muhammad Sadiq, in which they claimed they were detained, beaten, and forced to drink urine and eat mud. According to press accounts, the police apologized but denied that they made them drink urine or eat mud. The matter was settled informally when the accusers withdrew their charges through a gathering of local notables.

In June 2005 the Multan Bench heard a case against eight police in Vehari accused of sewing shut the lips of Mohammad Hussain, and ordered that the victim receive medical treatment. While the case against the eight progressed,

there was severe social pressure on Hussain to accept an apology and a cash settlement from the eight policemen, according to press accounts.

The Hudood Ordinances provide Koranic punishments for violations of Shari'a (Islamic law), including death by stoning and amputation. Authorities did not use such punishments during the year, as they required a high standard of evidence.

According to human rights organizations such as HRW and HRCF, security forces sometimes used excessive force in combating domestic insurgencies in FATA and Balochistan, which resulted in civilian deaths (see section 1.a.).

There were also incidents of societal violence against members of religious minorities such as Christians, Ahmadis, and Shi'as (see section 2.c).

Honor killings and mutilations, including cutting off of women's noses and stripping women naked to dishonor them, occurred during the year (see section 5).

Prison and Detention Center Conditions

Prison conditions did not meet international standards and were extremely poor, except for those cells of wealthy or influential prisoners. Overcrowding was widespread. According to the Society for Human Rights and Prisoners Aid (SHARP), there were 86,500 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. The number declined from the previous year because on July 1, President Musharraf ordered the release of children and prisoners charged with petty offenses. Others were released as part of the religious festivals of Eid-ul-Fitr and Eid-ul-Azha. During the year the government began a prison expansion and improvement program.

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. Foreign prisoners often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home country.

Authorities routinely shackled prisoners, including juvenile prisoners. The shackles were tight, heavy, and painful and reportedly led to gangrene and amputation in several cases.

Police held female detainees and prisoners separately from male detainees and prisoners. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. According to a BBC report, an independent NGO investigation found that 70 percent of children who came into contact with the police were abused in some way. Since the children were not separated from adult prisoners, they were also subject to sexual abuse. The report noted that the majority of the children were pre-trial prisoners, who were often acquitted one to three years later for lack of evidence. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population (see section 5).

There were reports of prison riots, largely due to the poor living conditions inside the prisons. According to an Islamabad based NGO, inmates complained about their treatment by jail staff and the "culture of bribery" that prevailed at various levels of jail administration. Few resources were allocated to the maintenance of prison facilities.

In June 2005 inmates at the Sargodha jail took two assistant superintendents and four wardens hostage to protest mistreatment. In the ensuing clash, nine inmates and one guard were injured. One of the inmates later died from injuries sustained during the riot. An investigative committee found three main culprits, including jail inspector Asghar Syed guilty of mistreating the prisoners. Syed was suspended from service and two years of his service were taken from his retirement plan. The report blamed Syed for the use of excessive violence to quell the protest. The punishment of the other two accused was not known. The prison department gave the relatives of the prisoner who died a compensation of \$3,300 (Rs 200,000).

On April 3, three prisoners in Adiala jail in Rawalpindi went on a hunger strike against jail officials for not granting visitation rights to their relatives. When the police tried to force feed the prisoners, a prison riot ensued. All 5,000 inmates of Adiala jail subsequently went on a hunger strike and clashed with police, injuring three police officers and 11 prisoners. Provincial prison authorities resolved the issue through negotiation between the prisoners and jail administrators.

In 2005 authorities established special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations. According to women's rights NGOs, there were approximately 2,500 women in jails nationwide at the end of the year, following the July 1 presidential order to release several thousand women and children who were imprisoned for petty offenses.

Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that approximately 2,317 children were in prison at the end of the year. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions.

The Supreme Court continued the suspension of a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for accused juveniles. It provides numerous protections for juvenile offenders not found in the normal penal code.

Landlords in Sindh and Punjab, as well as tribes in rural areas, operated illegal private jails. According to a BBC report, a religious seminary in Haripur, NWFP, headed by Maulana Ilyas Qadri was used as a private "jail" to treat drug addicts. In October police raided the seminary and freed 112 persons, including seven British nationals. Police reported that they were held in chains. Some bore signs of torture and sexual abuse.

Persons held for political offenses, or on "national security" grounds, were usually held in different conditions than the general prison population and often in separate facilities.

The government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (see section 1.d.). Visits by local human rights monitors occurred during the year; however, the government denied the International Committee of the Red Cross (ICRC) access to alleged terrorist detainees.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law.

Role of the Police and Security Apparatus

Police have primary internal security responsibilities. Under the Police Order (Second Amendment) Ordinance promulgated on July 2005, control of the police falls under elected local district chief executives known as nazims. Paramilitary forces such as the Rangers, the Frontier Constabulary, and the Islamabad Capital Territory Police fall under the Ministry of the Interior. Provincial governments control these forces when they assist in law and order operations. During some religious holidays, the government deployed the regular army in sensitive areas to help maintain public order.

Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and avenge personal grievances. Corruption was most prominent among police station SHOs, some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous, serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officers, district nazims, provincial interior or chief ministers, federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution. However, these mechanisms were rarely

used. Police often failed to protect members of religious minorities particularly Christians, Ahmadis, and Shi'as from societal attacks (see sections 2.c. and 5).

The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. In July 2005 President Musharraf reissued and amended the 2002 Police Order, which transfers oversight responsibility of police from provinces to districts and establishes the district level chief executive as principal supervisor. The order also calls for the immediate establishment of local oversight bodies that have been stalled since 2002. In Punjab and NWFP, public safety commissions were established and functioned. Similar commissions in Balochistan and Sindh were not as well developed. The government argued that these reforms would make police more responsive to the local community. Opponents charged that they would politicize the police force.

Arrest and Detention

A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention. FIRs frequently were issued without supporting evidence as part of harassment or intimidation or not issued when adequate evidence was provided unless the complainant could pay a bribe. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred (see section 1.c.). When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14 day period provided in the law through the issuance of new FIRs.

The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release.

Some women continued to be detained arbitrarily and were sexually abused (see sections 1.c. and 5). Police also detained relatives of wanted criminals to compel suspects to surrender (see section 1.f.). Courts appointed attorneys for indigents only in capital cases. In some cases persons had to pay bribes to see a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could meet with citizens of their countries in prison visits, although not in all cases. Despite repeated requests to ascertain the whereabouts of "disappeared" foreign citizen Safdar Sarki, diplomats were denied both information about his whereabouts and access (see section 1.b.). Local human rights activists reported few restrictions to their access to prisons.

The district coordinating officer may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners were held in preventive detention for up to six months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were

held in preventive detention indefinitely. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely provided that judicial concurrence is granted every 15 days (see section 1.e.).

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and non bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non bailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until six months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that 50 to 52 percent of the prison population was awaiting trial.

As in previous years, the government used preventive detention, mass arrests, and excessive force to quell or prevent protests, political rallies, or civil unrest (see section 2.b.).

Several dozen Mohajir Quami Movement Haqiqi (MQM H) activists, arrested between 1999 and 2003, remained in custody at year's end, some without charge for violent acts against members of other parties as well as expressing views critical of the government. MQM H claims that their enemy, the MQM, is behind these delays.

On December 1, President Musharraf signed the Women's Protection Bill, which reversed the most negative aspects of the Hudood Ordinances. Although, according to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances, few if any of those women had been released at the end of the year, despite the new law. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied. The Hudood Ordinances were used by family members to control their children for making their own choices in marriage, abusive husbands, or neighbors to settle personal scores. According to the NGO Asian American Network Against Abuse, research in the country's prisons showed that many of women imprisoned under zina (adultery or fornication) laws were single or widowed women living alone, young brides who make their in-laws angry for not bringing enough dowry, or elderly women whose husbands did not want to be married to them anymore. There were also several cases of pimps who filed zina charges against women who were trafficked and refused to work.

Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel. Despite government claims that NAB cases were pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see section 1.d.). The NAB prosecuted no serving members of the military or judiciary.

Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. Antiterrorist courts do not grant bail if the court has reasonable grounds to believe that the accused is guilty. Security forces may without reference to the courts restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges.

In June 2005 the government assigned a security detail to Mukhtiar Mai (Mukhtaran Bibi), at her request. Mai was concerned for her safety following the court-ordered release of five men convicted in her 2002 gang rape ordered by a village council because of an alleged infraction committed by her brother. Human rights groups claimed that when the government learned Mai wished to travel abroad to speak publicly of her experience, the protection detail controlled her movements and communication, such that she was under virtual house arrest. The Supreme Court later intervened and suspended the acquittals of the five men as well as the eight who were acquitted in the original 2002 trial. All remained in custody.

On July 22, Sarhad police arbitrarily arrested Naveed Ahmed, a local reporter for the Daily Koshish, a Sindhi language newspaper, while Ahmed was recovering from gunshot wounds in the hospital. According to AHRC, Ahmed was falsely implicated in a kidnapping case. AHRC reports that Ahmed was a vocal and prominent journalist in the district, who reported on police atrocities and on cases of financial corruption by local authorities.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. In nonpolitical cases, the high courts and Supreme Court were generally considered credible. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. According to the AHRC, more than 15,000 cases were pending before the Supreme Court. Ordinary cases take a minimum of five to six years, while cases on appeal can take as long as 20 to 25 years.

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

Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold jirgas (local councils), at times in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashtun areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence. In the tribal areas, the settling of many family feuds,

particularly over murder cases, involved giving daughters of the accused in marriage to the bereaved (see section 5).

Many tribal jirgas instituted harsh punishments such as the death penalty or watta-satta (exchange of brides between clans or tribes) marriages (see section 5).

The Supreme Court had a history of annulling the rulings and validity of the military courts trying civilians. A civilian prime minister, Nawaz Sharif, established military courts in 1998 to dispense "quick justice." The human rights and the lawyers' community appealed to the Supreme Court to invalidate military courts on the grounds that they operated outside the rule of law. A 1999 Supreme Court decision invalidating military courts was not implemented. The Supreme Court continued to attempt to nullify military court decisions involving civilians. However, this was often difficult since judges were under an oath required by the 1999 Provisional Constitutional Order, which forbids court review of actions taken by the chief executive (President Musharraf's title at the time) or his designees.

Trial Procedures

The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes.

The Anti Terrorist Act allows the government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts are to be decided within seven working days, but judges are free to extend the period as required. Under normal procedures, the high court and the Supreme Court hear appeals from these courts. Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.

Special accountability courts try corruption cases (see section 1.d.), including defaults on government loans by wealthy debtors brought by the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt.

Despite government claims that NAB cases pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see section 1.d.). The NAB prosecuted no serving members of the military or judiciary, which rely on courts marshal and Supreme Judicial Council venues, respectively.

On December 1, President Musharraf signed into law the Women's Protection Act, which rolled back the most negative sections of the Hudood Ordinances, particularly those sections that had dealt with sexual relations. The zina clause had

made it difficult for rape victims to seek justice and put them at risk of prosecution for fornication. Sections of the Hudood Ordinances that remain in effect, such as those prohibiting gambling, alcohol, and some property offenses, are tried by ordinary criminal courts. The ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see sections 1.c. and 5). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial and contractual obligations. The Hudood ordinances do not apply to non-Muslims, although non-Muslims can be implicated in cases that involve wrongdoing by Muslims.

Laws prohibiting blasphemy continued to be used against Christians, Ahmadis, and members of other religious groups including Muslims. Lower courts often did not require adequate evidence in blasphemy cases, which led to some accused and convicted persons spending years in jail before higher courts eventually overturned their convictions or ordered them freed.

The Federal Shariat Court is the court of first appeal in all Hudood cases that result in a sentence of more than two years. The Supreme Court, however, determined that in cases where a provincial high court decides to hear an appeal in a Hudood case, even in error, the Federal Shariat Court lacks authority to review the provincial high court's decision. The Shari'a bench of the Supreme Court is the final court of appeal for federal shariat court cases. A 2005 ruling allows the full Supreme Court to bypass the Shari'a bench and assume jurisdiction in such appellate cases in its own right.

The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenants, but such cases are appealed to the Shari'a bench of the Supreme Court and may ultimately be heard by the full Supreme Court.

In September the Supreme Court heard a case of a 13 year-old rape victim who gave birth after she was raped while captive of a government official. On September 28, the Chief Justice remarked that efforts to charge the girl with fornication demonstrated that the police were a "highly negligent department," unaware of their fundamental duties without the court's assistance.

The law allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (diyat) or physical restitution (qisas). While diyat was invoked, particularly in NWFP and in honor cases in Sindh, qisas have never been used.

The FATA have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe or to blockade a fugitive's village, pending his surrender or punishment by his own tribe. Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to

tribal agencies oversee proceedings and may impose prison terms of up to 14 years.

Political Prisoners and Detainees

Some political groups claimed their members were marked for arrest based on their political affiliation (see sections 1.c. and 1.d.). In 2001 police arrested Syed Yousaf Raza Gilani, a former speaker of the National Assembly and an accountability court in Rawalpindi charged Gilani with misusing his position. On October 5, Gilani was released on bail. Pakistan Muslim League-Nawaz (PML N) leader Javed Hashmi remained in jail, sentenced to 27 years on sedition charges in 2004 after reading in the cafeteria of the National Assembly a letter critical of the military. His appeal was ongoing at year's end.

According to Baloch nationalist political leaders and human rights organizations, there were more than 500 Baloch nationalist political prisoners who had been detained by military intelligence and security forces since the military operation began in the province in December 2004. The exact number of the prisoners was not available. The government denied imprisoning people because of their political beliefs, but it was commonly and widely believed that there were hundreds of Sindh and Baloch nationalist leaders and activists imprisoned without any formal charges.

Civil Judicial Procedures and Remedies

Persons may petition high courts to seek redress for human rights violations, and courts often take such actions. Persons may seek redress against government officials, including on grounds of denial of human rights, in civil courts. However, observers reported that civil courts seldom or never issued official judgments in such cases, and that most cases were settled outside of court. While there were no official procedures for administrative redress, informal reparations were common.

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

The law requires court issued search warrants for property but not persons. Police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases being pursued under the Anti Terrorist Act, security forces were allowed to search and seize property related to the case without a warrant.

The government maintained several domestic intelligence services that monitored politicians, political activists, suspected terrorists, the media and suspected foreign intelligence agents. Despite a Supreme Court order, credible reports indicated that the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval.

In accordance with the Anti Terrorist Act, the government banned the activities of and membership in several religious extremist and terrorist groups. However, some of the groups that the government banned changed their names and remained active. Examples included: Lashkar e Taiba (new name: Jamatud

Dawa), Jaish e Muhammad (new name: Tehrikul Furqan & Al Rehmat Trust), Tehrik e Ja'afria Pakistan (new name: Tehrik e Islami Pakistan), Sipah e Sihaba Pakistan (new name: Millat e Islamia Pakistan).

While the government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriages that the families 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. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, while the marriages of men who converted remained intact (see section 2.c.).

In some cases, authorities detained relatives to force a family member who was the recipient of an arrest warrant to surrender (see section 1.d.). NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists (see section 1.b.).

Human rights NGOs expressed concern with the Frontier Crimes Regulation (FCR) Act, noting that it applied the concept of collective punishment. According to HRW, the FCR empowered authorities to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

AI reported that under the FCR, people suspected of committing criminal offenses did not have legal representation at a formally constituted tribal jirga or council which submits its recommendations regarding convictions or acquittals to a Political Agent. There is no possibility of appealing against conviction or punishment under the FCR, as the judiciary's appellate powers do not extend to the FATA.

Reports of religious extremists forming parallel administrations, including justice administrations, in FATA increased during the year. For example, on March 26, AI reported that Hayatullah Gul in Tiarza, South Waziristan, was shot by the father of taxi driver who Gul allegedly killed two weeks earlier. The decision to sanction the shooting was made by a council of persons described in the media as "local Taliban." Gul had no legal counsel to assist him and no possibility to challenge the conviction and punishment. Gul was not brought before a proper jirga, and his case was not decided by the Political Agent for South Waziristan.

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists were harshly intimidated and others practiced self censorship. Newspapers and periodicals had to be given permission by the Kashmir Council and Ministry of Kashmir Affairs in order to publish within the territory. According to HRW's recently released report on

Azad Kashmir, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, which is the official carrier of government and international news to the local media. The military has its own press wing, as well as two sections to "monitor" the press. The few small privately owned wire services practiced self censorship. Foreign magazines and newspapers were available, and many maintained in country correspondents who operated freely.

The government directly owned and controlled Pakistan Television and Radio Pakistan, the only non fee national electronic broadcasters. Both reflected government views in news coverage. Private cable and satellite channels GEO, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the government. Cable and satellite television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the BBC and the Voice of America, were available.

Newspapers were free to criticize the government, and most did so. Condemnation of government policies and harsh criticism of political leaders and military operations were common. Media outlets practiced self-censorship for fear of government agents engaging in retribution against papers and journalists critical of certain governmental policies.

There was an increase in government arrests, harassment, and intimidation of journalists during the year. According to the NGO AHRC, the government banned three FM radio stations and two television channels, although service was restored after protests from civil society.

According to Internews, an NGO that monitors the state of the media in the country, there were 127 attacks against the media and journalists during the year. By the end of the year, at least five journalists had been killed; nine abducted (of which seven were later released without charges being filed against their abductors); 191 attacked, beaten, tortured, or shot at; 45 arrested; four jailed; and 13 threatened. In addition 15 publications, 3 television channels, and 23 Web sites were temporarily banned; three newspaper presses were raided; one FM station was sealed. Seventeen journalists and media organizations were going through court cases; 30 were prevented from covering official functions; and 11 newspapers or magazines were denied state-sponsored advertising from public funds for being critical of government policies. Internews believed that many cases were not reported because journalists in small cities and towns functioned at the mercy of local authorities and were reluctant to complain of intimidation, even if they knew where to register their problems.

In December 2005 unknown assailants kidnapped journalist Hayatullah Khan from North Waziristan. According to the Committee to Protect Journalists (CPJ), on June 16, Hayatullah was found dead, handcuffed, and shot in the head from behind. Khan's family accused intelligence agencies of the crime. According to the CPJ, Khan reported on a December 2005 explosion in the town of Haisori in North Waziristan that the government claimed killed a senior Al-Qaeda commander. Colleagues suspected that authorities detained Khan after he contradicted a government report that the senior leader died when munitions exploded inside a house. Khan quoted local tribesmen as saying the house was hit by a missile fired from an aircraft.

According to CPJ, on January 14, authorities in Bajaur Agency, FATA, briefly detained two journalists who were reporting on an incident in Damadola village, where missiles were fired into three houses. Both security forces and militants allegedly warned Daily Times bureau chief Iqbal Khattak and BBC World Service correspondent Haroon Rashid against reporting in the area. According to CPJ, few journalists remained in Waziristan, FATA, after attacks and threats from security forces and militants forced many to flee.

According to the CPJ, intelligence agencies illegally detained GEO television correspondent Mukesh Rupeta and cameraman Sanjay Kumar on March 6. In June, the government filed criminal cases against Rupeta and Kumar and accused them of filming a government air force base in violation of the Official Secrets Act. According to international news reports and human rights organizations, Rupeta was tortured while in custody. On June 22, family members reported that the two men were kept blindfolded and that Rupeta and Kumar were released.

On May 30, Munir Ahmed Sangi, a cameraman for the Sindhi-language Kaswish Television Network, was killed while covering a gunfight between members of the Unar and Abro tribes in Larkana. According to the Pakistan Federal Union of Journalists, Sangi may have been deliberately killed by the Unar tribe since he had been reporting on their tribal council.

On June 6, men associated with a provincial minister, Sohrab Sarki and a member of the National Assembly from the Pakistan's People's Party party, Bijarani, beat and ransacked the office of a journalist named Sarmad who worked for a Sindhi television station. Sarmad had reported on the outcome of a jirga decision related to a 12-year-old murder case. The jirga, which included the local feudal landlords and district mayor, had ordered the murderers to hand over five girls not exceeding the age of 10 to the members of the deceased family as compensation.

On July 2, police arrested Mehruddin Mari, a reporter for the Sindhi language newspaper the Daily Kawish who had reported on human rights abuses at a police roadblock near Golarchi, in southern Sindh. Other reporters witnessed the police picking up Mari. At the end of the year, Mari remained missing.

On August 23, authorities in NWFP, under orders from the Pakistan Electronic Media Regulatory Authority (PEMRA), closed radio station FM 103 for airing the concerns of earthquake victims who had not received relief or rehabilitation

assistance. The officials at FM 103 strongly criticized the government for banning their transmission and filed an appeal in the district court of Mansehra. Prior to the closure, the Earthquake Relief and Rehabilitation Authority had warned FM 103 to "mend its ways."

On September 3, police and intelligence agencies arrested Rafiq Ajis, editor of the daily Chamag in Turbat, Balochistan, and Abdul Sattar Khan from Chiniot, Punjab. On September 20, Saeed Sarbazi from Karachi, Sindh, was arrested. On September 23, intelligence agencies released Sarbazi and confirmed that he had been detained by intelligence agencies without charge. According to the CPJ, Sarbazi told reporters that he was dragged by unknown kidnappers who covered his face with his shirt. Sarbazi alleged being interrogated about his personal and professional life, including his connection with the Baloch Liberation Army. Sarbazi had written recently of disputes over access to political unrest in Balochistan.

On September 13, private guards of Federal Minister for Labor and Manpower Ghulam Sarwar Khan severely beat a senior journalist, C.R. Shamsi, inside the Parliament premises. Shamsi had asked the minister, who later apologized to other media personnel for the incident, about a legal case pending against him. No one was arrested for the incident.

On September 15, two masked gunmen killed journalist Maqbool Hussain Siyal in Dera Ismail Khan. Siyal worked for the Pakistani Online News Network and was on his way to interview a leader of the PPP. The CPJ was investigating whether Siyal's death was related to his work as a journalist. By the end of the year, police had not made any arrests.

On September 16, police beat and seized the equipment of two journalists, Wadood Mushtaq from ARY and Zahid Malik from ATV along with cameraman Nazir Awan from ARY at a religious congregation in Minar e Pakistan in Lahore. They had filmed police demanding bribes from participants in the rally. The journalists also filmed the police impounding buses under false pretenses. All three were treated for multiple fractures. By the end of the year, the police officer involved, Mukhtar Shan, had not been charged.

On September 17, Shakeel Anjum, a senior correspondent for the News, was included in a FIR involving a triple murder case in Islamabad. He had written a series of articles highlighting problems in the police, and the SHO of the Shehzad Town police included his name in the FIR. On October 16, the police cleared him. The CPJ alleged that the FIR was punishment for Mari's criticism of the police.

On September 17, officials in Punjab directed cable operators in the province to stop airing the ARY Digital television network after ARY repeatedly broadcast the beating of the three journalists at Minar e Pakistan. The government allowed the network to resume broadcasting a week later. A similar incident took place on September 26 after officials in Punjab forced cable operators in Taxila, Wah Cantonment to stop broadcasting ARY on September 26 and 27.

On November 8, PEMRA allegedly verbally instructed cable operators throughout the country not to transmit a Bangkok-based television network, Sindh Television. According to AHRC, the Sindhi channel had gained popularity for highlighting government mismanagement. In late October the channel had broadcast a satirical show about high-level government officials, including the president and prime minister.

On November 20, unknown individuals in plainclothes illegally detained Dilawar Khan Wazir, a BBC correspondent and reporter for the Daily Dawn. The kidnapers released Wazir after detaining and beating him for approximately 30 hours. During his interrogation, Wazir's captors allegedly questioned him about his reporting in South Waziristan. Observers and human rights groups believed security services were responsible for Wazir's kidnapping and torture.

On December 19, a British reporter working for the New York Times in Pakistan and Afghanistan, Carlotta Gall, was assaulted by military intelligence officers for covering a story in Quetta. The officers searched Gall's room and took her equipment. Gall's photographer was detained and released a few hours later.

The Anti Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. As part of the government's crackdown on extremists, President Musharraf ordered police to take action against radical publications. There were no reported cases of such crackdowns during the year.

Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The law provides for 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.). This law was used only against those who allegedly insulted the Prophet Muhammad. Groups such as the Khateme Nabuwat Movement, which considered anyone who questioned the finality of Prophet Muhammad to be a heretic, were known to insult Ahmadi beliefs; however, the law was not used against them. Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

Obscene literature, a category broadly defined by the government, was subject to seizure. Television stations broadcast dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality.

Internet Freedom

While there were no reports that the government limited public access to the Internet, it attempted to control some extremist and Baloch separatist Web sites based in the country. Telecom authorities claimed that Internet access had risen by 750 percent in five years (10.5 million total subscribers during the year, compared with 1.2 million in 2001), and service existed in nearly all of the country's urban areas.

On April 23, according to the AHRC, the government shut down four Web sites that focus on the area of Balochistan. The government said the sites had spread misinformation. Supporters of the sites believed that sites were shut down because the news offered on these sites detailed military operations in Balochistan.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom; however, the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to limit academic freedom. On some university campuses, well armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (IJT)(affiliated with the JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced those admitted to the universities, and sometimes also influenced the use of funds of the institutions. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.

The religious party coalition (MMA) government in NWFP banned the use of music in public transportation. Daewoo Bus Service, a major line, shuts down its in-bus movies and music when it crossed the Attock river into NWFP. MMA also directed that billboards not feature women.

The Ministry of Culture operated the Central Film Censor Board, which previewed all foreign and domestic films before exhibit in the country.

There were no incidents of government crackdowns on art exhibitions or other musical/cultural activities.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and freedom of association, and the government generally observed these rights, but with some restrictions.

Freedom of Assembly

While the law provided for this right, in practice, the government placed selective restrictions on the right to assemble and sometimes refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see section 2.c.).

The HRCP expressed concern that the government had permitted a rally on April 8 of the banned terrorist organization, Sipah-e-Sahaba Pakistan, during which the participants preached violence against non-believers and sold videos depicting violent acts.

Police often used preventive detention and excessive force against demonstrators.

On February 2, police detained leaders of the Jammu and Kashmir Liberation Front, including Amanullah Khan. Police detained Khan after he attended a peaceful demonstration in Rawalpindi against the construction of the Basha Dam in the Gilgit region of the Northern Areas. According to AI, Khan was not permitted to receive visitors, and his health deteriorated during his one-week detention.

On April 15, police baton charged and used tear gas to disperse a rally of journalists and human rights activists in Choa Saidan Shah, Chakwal, Punjab, when they demanded compensation for the owners of two shops that caught fire during the government's anti encroachment drive. Police also registered two criminal cases against Chaudhary Farzand Ali, president, and Malik Wazir Muhammad, secretary general, of a journalists' union, citing their disruption of the public order. Police also injured local human rights activist Chaudhary Nematullah.

On August 22, approximately 2,000 teachers of the Sindh Employees Alliance protested in front of the Karachi Press Club against the government's ban on teachers' unions. According to the AHRC, police used teargas and batons to disperse the demonstration. Police arrested 45 teachers and injured six.

On October 12, to protest General Musharraf's coup against Pakistan Muslim League-Nawaz (PML N) Prime Minister Nawaz Sharif in 1999, the PML N demonstrated in Karachi, Lahore and other cities. In Lahore, police charged the crowd with batons when they did not disperse. According to the Dawn and other newspapers, police injured 11 demonstrators and arrested others under section 16 of the Maintenance of Public Order law.

On November 27, according to AHRC more than 400 human rights and political activists were arrested in Balochistan to prevent them from participating in peaceful protests in advance of President Musharraf's visit to the province. Virtually all were released after the visit.

Unlike in previous years, the authorities did not restrict the domestic movements of leaders of religious political parties.

Freedom of Association

The law provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the government under the 1960 Cooperative Societies and Companies Ordinance. No prominent NGO reported problems with the government over registrations during the year. Some continued to operate without registering and were not prosecuted.

According to HRW's recently released report on freedom of expression and civil liberties in Azad Kashmir, individuals and political parties who did not support Kashmir's accession to the country were barred from participating in the political process, thus excluding individuals who supported Kashmir's independence. HRW noted that individuals who did not support Kashmir's accession to the country were subject to abuse by the intelligence agencies and the military.

c. Freedom of Religion

The constitution states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the government limited freedom of religion in practice. Islam is the state religion, and the constitution requires that laws be consistent with Islam. All citizens were subject to certain provisions of Shari'a, including extensions such as the blasphemy laws. Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity. The constitution stipulates that 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).

Religious groups must be approved and registered; there were no reports that the government refused to register any group.

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non Muslim minority. The law prohibits Ahmadis, who claimed approximately two million adherents, from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis were prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. In 2005 the government reinstated the religion column for machine readable passports (see section 2.d.). Ahmadis were frequently discriminated against in government hiring and in admission to government schools and faced prosecution under the blasphemy laws.

On June 24, a mob attacked Ahmadi residents in Jhando Sahi near Sialkot district, Punjab, after allegations of the desecration of the Koran. The rumors alleged that Ahmadi men were seen burning pages of the Koran in public. The police arrested the accused Ahmadis, but a mob gathered and started burning houses, shops, and vehicles of Ahmadis. There were reports that prior to the incident, Muslim clerics had encouraged mobs to attack Ahmadis by calling out to Muslims on the loud-speakers of their mosques that non Muslims should not be allowed to live among Muslims. Reports indicated that two Ahmadis were injured, and about 100 Ahmadi villagers fled their homes where they had lived for 60 years.

On September 10, the government of Punjab banned the century old Ahmadi newspaper the Daily Al Fazal and raided its office in Chenab Nagar, Chiniot District, Punjab. Police arrested printer Sultan Dogar and journalist Abdul Sattar Khan and lodged cases under ("anti-Ahmadi" provisions) 298B and 298C of the Penal Code, Maintenance of Public Order, and the Anti Terrorism Act against them. Police confiscated all the publications and sealed their offices. While police released Khan on September 23, Dogar remained in custody at year's end. According to Deputy Superintendent of Police Saeed Tatla, the raid was part of the government's campaign to confiscate religious "hate literature." In the FIR, the police accused the newspaper of preaching Qadiyani ("Ahmadian") beliefs and describing Ahmadi as Muslims, which is illegal. Qadiyani is a derogatory word for Ahmadi.

Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used in business or personal disputes to harass religious minorities or other Muslims. Most complaints were filed within the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. In January 2005 President Musharraf signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. However, according to human rights and religious freedom groups, this was not effective because senior police officers did not have the resources to review these cases. During the year the courts convicted one person and acquitted three under the blasphemy laws; 73 cases were ongoing.

On January 26, Parvez Aslam Choudhry, a prominent human rights lawyer and chairman of the NGO Legal Aid for Destitute and Settlement, was attacked and beaten by extremists who tried to intimidate him because of his work defending blasphemy cases. Prior to the incident, Choudhry had been threatened outside of court and received death threats because of his work.

On March 3, according to the NGO Center for Legal Aid and Settlement, police lodged a blasphemy case against Naseem Bibi for failing to show respect to a picture of the Kaaba in Mecca. According to Naseem Bibi, the Muslims in her neighborhood tried to seize her land by force. In the dispute that ensued between Naseem and the local residents, the Muslims vandalized a crucifix from Naseem's home, to which Naseem responded by vandalizing a picture of the Kaaba. On November 27, Naseem was released.

On August 31, after police refused to register a theft case against Shahid Masih and Mohammad Ghaffar in Faisalabad, police lodged a false case against them under the blasphemy law for allegedly burning the Koran. Local residents attacked Masih and Ghaffar's homes, and their families were forced to flee. According to AHRC, while in police custody, both men were tortured.

On November 10, the Lahore High Court overturned the conviction Ranjha Masih, a Christian, of blasphemy. Masih had been arrested in 1998 and sentenced to life in prison in 2003. While some witnesses claimed to have seen Masih throw stones at a commercial sign that included a verse from the Koran, the Lahore High Court found the witnesses' testimony not credible. Prior to his acquittal, Masih spent almost 8½ years in jail, where he reportedly was beaten and mistreated.

There were no restrictions on Christian or Hindu places of worship. District Nazims had to authorize the construction after they assessed whether a new church or temple was required.

According to HRCP, on November 25, unknown persons burnt down an Ismaili place of worship in Chitral district. HRCP reported that no arrests had been made.

On February 19, a mob attacked St. Mary's Church, St. Xavier's Church, and St. Mary's School at Sukkar, Sindh, after Irfan, a convert to Islam, allegedly tried to accuse his Christian father-in-law, Saleem, of burning a copy of the Koran.

According to AHRC, during the year, four churches, five Ahmadi mosques, and two Hindu temples were burnt, attacked, or destroyed in different parts of the country, with most occurring in the Punjab. Religious extremists killed ten Christians and four Ahmadis who were accused of blasphemy. AHRC reported that 49 Ahmadis and 110 Christians faced trials or were in prison on charges for desecrating the Koran. According to AHRC, there were 35 reported cases of forcible conversion of religious minorities.

The All Pakistan Minority Alliance reported that approximately 25 Hindu girls were allegedly forced to convert to Islam in Sindh.

NGOs such as AHRC reported that during the year, several Hindu girls had been raped inside a Hindu compound in Karachi. In April police refused to register a FIR against Javed Qasai for allegedly kidnapping and raping a Hindu girl. According to the AHRC, police forced the girl's family to settle the matter with Qasai and did not arrest him.

All religious groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land. The government prevented Ahmadis from building houses of worship.

Islamiyyat (Islamic studies) was compulsory for all Muslim students in state run schools. Students of other faiths were exempt from such classes; however, in practice teachers induced many non Muslim students to complete Islamic studies.

The Hindu community faced harassment and demands for bribes from security forces.

Societal Abuses and Discrimination

Sectarian violence between Sunni and Shi'a extremists continued during the year and attacks on mosques and religious gatherings resulted in 127 deaths (see sections 1.a. and 5). Shi'as, Christians, and Ahmadis were the targets of religious violence (see section 1.a.).

Police arrested five suspects in connection with the October 2005 attack in Mongh, District Mandi Bahauddin that killed eight and wounded 14 Ahmadis.

There were no developments in the March 2005 case where five gunmen fired at Christians leaving Easter services at a church in Lahore or in the April kidnapping and murder case of Pastor Shamoan Babar or his driver.

In October 2005 gunmen opened fire at an Ahmadi worship service in Mong, Mandi Bahauddin, Punjab, killing eight and injuring 14. On May 11, police arrested four persons linked to the terrorist organization Lashkar e Jhangvi in Toba Tek Sing, Punjab. Police charged Malik Abrar and Amjad Shah for planning and executing the attack. The state filed a case against them under the Anti Terrorism Act. According to the Ahmadi community, judges feared for their lives if they accepted such cases.

Following the attack by an angry mob in Sangla Hills, Punjab, in November 2005, high level provincial officials visited the site to express solidarity with the Christian community. The provincial government provided funds to reconstruct the destroyed buildings, and church services resumed in December 2005. At year's end, no charges had been brought against the mob that destroyed the buildings or its leaders.

Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, creating a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence.

On February 20, a mob attacked St. Mary's Catholic Church in Sukkur after rumors that the Christian speakers at a Sunday gathering spoke against Islam and its Prophet. Police arrested seven people including a local religious leader. All of them were released on bail.

On August 7, three Christians were hospitalized with serious wounds in Mominpura Thaiki village near Sharaqpur, Punjab. The injuries occurred during a dispute over land sharing between the Christian community and Muslims living in the village. Police took action and Yaqub Maher, a Muslim landowner, was accused and arrested for plotting the attack on the Christian community.

The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

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

For a more detailed discussion, see the 2006 International Religious Freedom Report.

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

The law provides for these rights; however, the government limited them in practice. The government required that foreigners have special permission to enter certain restricted areas, including parts of the FATA and Balochistan.

The law prohibits travel to Israel. Despite this, Pakistani journalists reported on the Israel Lebanon conflict from inside Israel in July. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. There were approximately 3,740 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required to add a name to the ECL, and it was sometimes used to harass human rights activists or leaders of opposition and nationalist parties. Those on the list had the right to appeal for removal to the Secretary of Interior and the advocate general of the senior judiciary.

Mukhtar Mai was temporarily placed on the ECL, which barred her from leaving Pakistan. In June 2005 the government confiscated her passport after she received a visa to attend an event abroad. Her passport was returned in August 2005.

The law prohibits forced exile; however, former prime minister Nawaz Sharif and his brother, Shahbaz Sharif, remained in exile abroad, in accordance with his 2000 agreement with the government. In late 2005 the government granted Nawaz Sharif and his immediate family new passports, allowing them to travel outside Saudi Arabia. Neither Shabaz nor Nawaz were permitted to enter Pakistan. Shabaz was denied entry when he arrived in country by plane in 2004. Former prime minister Benazir Bhutto remained in self imposed exile. A number of corruption and contempt of court charges against her remained pending.

Internally Displaced Persons (IDPs)

According to press reports there were approximately 1.5 million displaced Kashmiris, from Indian held Kashmir, in the country. The law entitles Kashmiris to the same rights as citizens. According to UN Children's Fund, up to 80,000 Baloch civilians were displaced as the result of clashes between government forces and Baloch nationalists. These were including among the more than 200,000 persons who, according to AHRC, migrated to different places of the country from areas affected by military operations. According to newspaper reports, many of the

displaced lived in terrible conditions with no safe drinking water and no medical help.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol; however, the government has a system to protect refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the UN High Commissioner for Refugees (UNHCR) approximately 2.4 million Afghan refugees remained in country. The government continued to work closely with the UNHCR to provide support to this population. As of October 13, the last day of UNHCR-assisted repatriations, the government cooperated with UNHCR in the voluntary repatriation of 133,338 Afghan refugees. There were also 9,681 spontaneous refugee returns known to UNHCR.

The Afghan refugee camps that the government scheduled for closure during the year remained open. A registration of those Afghan refugees counted in the 2005 census in the country began on October 15 and was scheduled to be completed by the end of the year, but was extended. The registration, conducted jointly by country's National Database and Registration Authority and UNHCR, issues a proof of registration card, valid for three years, and identifies the holder as an Afghan resident.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees during their search for al Qa'ida. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition, and blamed refugees for high crime rates. Single women, female headed households, and children working on the streets were particularly vulnerable to abuse, including trafficking.

Approximately 300,000 Biharis, Urdu speaking non Bengali Muslims in Bangladesh without citizenship rights since 1971, continued to campaign for resettlement in the country.

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

The law provides citizens with the right to change their government; however, this right was restricted in practice. In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif in a military coup and was elected president in 2002 in deeply flawed elections. Since then,

President Musharraf has controlled the government and dominated the PML-Q federal coalition government.

Elections and Political Participation

Domestic and international observers found the 2002 national assembly elections, the most recent national elections, and the August 2005 local elections deeply flawed. HRW's 2006 report on Azad Kashmir noted that the July Azad Kashmir Legislative Assembly elections were flawed and "greeted with widespread charges of poll rigging by opposition political parties and independent analysts." HRW reported that 60 pro-independence candidates who belonged to the Jammu Kashmir Liberation Front, the All Parties Nationalist Alliance, and smaller political parties were barred from participating in the state elections.

The Supreme Court sanctioned General Musharraf's 1999 coup; however, it directed Musharraf to restore elected government within three years. 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 extension. 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. In 2003 the National Assembly affirmed Musharraf as president for a five-year term. Musharraf reportedly promised some members of parliament to remove his uniform in 2004 but did not do so.

In 2002 elections were held for the national and provincial assemblies. Musharraf's Legal Framework Order (LFO) created a number of new candidate eligibility prerequisites. International and domestic observers found the elections greatly flawed, identifying serious problems in the election framework and tampering of results in certain districts. After a number of floor crossings, which the opposition claims were induced, the PML formed a governing coalition in concert with the MQM, smaller parties, and dissident groups from opposition parties. The February 2003 indirect Senate elections resulted in a majority for the governing coalition. In December 2003, despite opposition protests, the Parliament incorporated 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 allowed the president to dissolve parliament but required him to obtain the consent of the Supreme Court within 30 days. Opposition parties said the amended constitution legitimized the powerful role of the military in politics and transfers significant powers from the prime ministership to the previously ceremonial presidency. In October 2004 the National Assembly, over objections from the opposition parties, approved a bill extending Musharraf's exemption to hold two offices through 2007.

The National Assembly and the cabinet functioned normally during the year. In August 2004 the National Assembly elected the PML candidate, former finance minister Shaukat Aziz, prime minister, although all opposition parties boycotted the vote because their candidate, PML N leader Javed Hashmi, was not allowed to appear at the assembly, having been convicted of sedition. Opposition parties

criticized Aziz's election, claiming his two by election victories to the assembly were fraudulent. Domestic and international observers found irregularities but concluded the elections were generally free, fair, and credible.

President Musharraf continued to back reforms proposed by the National Reconstruction Bureau to empower local governments. In August 2005 the country held direct local elections to choose members and executives for the lowest tier of local government, the union council. International observers found serious flaws in the contests in Sindh and Punjab provinces, principally during the August 25 round. Intimidation of opposition candidates and supporters, use of state resources to influence the election, vote buying, and voting irregularities that appeared to benefit government endorsed candidates occurred and likely had an impact on the results of the August 18 contest in Karachi as well as the August 25 contests in Sindh and Punjab.

In October 2005 indirect elections for executives of reserved minority and women's seats on the tehsil (county) and district councils occurred. International observers found that all political parties engaged in attempted intimidation, coercion, and vote buying during these contests. According to press reports, in Upper Dir and Battagram districts, NWFP, local community and religious leaders prevented women from voting or holding official office. In response, the adviser to the prime minister on women's affairs visited Upper Dir to mobilize women to stand in elections.

The government permitted all existing political parties to function. The government forced the PPP and PML N to elect in country leaders other than former prime ministers Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming prime minister for a third time, effectively eliminating Bhutto and Sharif.

The government detained two opposition leaders, Javed Hashmi and Yousaf Raza Gillani, on what the opposition claimed were politically motivated charges. In April 2005 Hashmi was convicted in closed proceedings on charges of sedition and sentenced to 27 years in prison for reading in the cafeteria of the National Assembly an anonymous letter critical of the military. On October 5, the Rawalpindi Bench of Lahore High Court accepted the bail plea of Yousaf Raza Gillani in a case for which he was sentenced to 10 years imprisonment on charges of giving jobs in the National Assembly secretariat during his speakership. Hashmi remained in prison at the end of the year.

The government ban on political party activities in the FATA continued. According to the Frontier Crimes Regulation Act (FCRA) the Political Parties Act does not apply to the FATA and no political party can legally campaign or operate an office there. Two secular political parties, the Awami National Party and Pakistan People's Party (PPP), complained that this rule was void, since religio-political parties such as Jamiat e Ulema e Islam and Jamaat e Islami openly campaigned in the FATA. The government did not allow candidates to register by political party,

and did not permit political party rallies. Several religio-political parties campaigned covertly during the 2002 national elections.

Inhabitants of the northern areas (Gilgit, Hunza, and Baltistan) were not covered under the constitution and had no representation in the federal legislature. An appointed civil servant administered these areas and an elected Northern Areas Council served in an advisory capacity. Members of the Azad Jammu Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocating an independent Kashmir were not allowed to stand in elections.

On September 21, HRW released a report entitled "With Friends Like These...Human Rights Violations in Azad Kashmir" that noted: "Azad Kashmir is a land of strict curbs on political pluralism, freedom of expression, and freedom of association; a muzzled press; banned books; arbitrary arrest and detention and torture at the hands of the Pakistani military and the police; and discrimination against refugees from Jammu and Kashmir state. Singled out are Kashmiri nationalists who do not support the idea of Kashmir's accession to Pakistan. Anyone who wants to take part in public life has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or works for an independent Kashmir is persecuted."

There were 73 women in the 342 seat National Assembly, five women in the cabinet, and none on the Supreme Court. Women had 60 reserved seats in the National Assembly. Women also had 128 reserved seats of the 758 seats in provincial assemblies and one third of the seats in local councils. In some districts social and religious conservatives prevented women from becoming candidates; however, in several districts female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. The PML-Q and PPP prohibited their local leaders from entering into agreements that would prevent women from standing for or voting in the local elections. The Election Commission of Pakistan invalidated union council elections in parts of NWFP where women were not allowed to vote. Provincial chief ministers named women to serve in their cabinets.

According to press reports, between 2001 and June 2006, four women councilors were killed in Upper Dir, NWFP, including, in 2004, Zubeida Begum, a prominent female political activist. Gunmen shot and killed Zubeida Begum along with her 19 year-old daughter. Women in Upper Dir had actively campaigned for political power, despite local attempts to suppress the female vote and the marginalization of women once elected.

There were 10 religious minority members in the 342 seat legislature, one on the Supreme Court, and one in the cabinet. All minority members of the National Assembly held reserved religious minority seats. Such seats are apportioned to parties based on the percentage of seats each wins in the assembly. Previous direct elections for minority seats were abolished. Under the law, minorities held

reserved seats in the provincial assemblies. The government required voters to indicate their religion when registering.

Government Corruption and Transparency

Corruption among executive and legislative branch officials remained a problem during the year, and public perception of corruption was widespread. The National Accountability Ordinance prohibits those convicted of corruption by the NAB from holding political office for 10 years (see section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute the active duty members of the military.

The Freedom of Information Ordinance is fairly restrictive in defining citizens' entitlement to information. The ordinance's effectiveness was unclear, and there were no reports of citizens using the act to obtain information during the year.

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. Government officials often were cooperative and responsive to their views. The government sought their technical cooperation, especially from international NGOs, in the fields of women's empowerment, election training, election commission capacity building and other areas. They are required to be registered, although this requirement was not generally enforced. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP investigated human rights abuses and sponsor discussions on human rights issues during the year.

On January 8, a fact-finding team of the HRCP and journalists was attacked when their cars were fired at near Kashmore, Balochistan. According to NGOs, it was not clear who was responsible for the attack. By the end of the year, the HRCP submitted an application to the police in Rojhan to file a complaint, but police did not proceed beyond determining that the assailants were tribals and hard to track down.

International observers were permitted to visit the country and travel freely. The government generally cooperated with international governmental human rights organizations. The ICRC had a delegation in country and had access to prisons and detention centers. ICRC staff characterized the government as "cooperative."

The Senate and National Assembly Standing Committees on Law, Justice, and Human Rights held hearings on a number of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. While the committees served as useful fora to raise public awareness of such issues, their final actions generally adhered to government policy. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied effectively for reform in key areas. The proposed National Human Rights Commission remained stalled between the Ministry of Law and Justice and the Speaker's Secretariat.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; in practice, however, there was significant discrimination based on each of these factors.

Women

Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives. Newly married women were at times abused and harassed by their in laws. Dowry and family related disputes often resulted in death or disfigurement through burning or acid. According to the Karachi-based Lawyers for Human Rights and Legal Aid, 31,000 crimes against women had been reported from 2000-2005, including murder, rape, torture, honor killings, abduction, and torture by police. Approximately 249 cases of honor killing and attempted honor killing were also reported in the media in Punjab. SHARP recorded 1,127 incidents of violence against women during the year. While the Punjab Assembly passed a resolution against acid attacks in 2003, it was not followed up by action to control the sale of acid and other corrosive substances. HRCP documented 96 cases of burnings during the period between November 2004 and August 2005. The Citizen's Commission for Human Development reported 21 burn cases during the first six months of the year.

According to HRCP estimates, one out of every two women was the victim of mental or physical violence. On November 28, Oxfam's representative claimed that approximately 80 percent of the country's women faced domestic violence in their lives. A survey conducted in March by the Pakistan Institute of Medical Sciences and reported by AI in Lahore found that at least 90 percent of married women in the country reported being physically or sexually abused by their husbands. However, the precise figure was difficult to obtain, given the fact that the crimes took place within homes. The National Commission on the Status of Women advocated on behalf of specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Abused women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation.

During the year there were 97 reported cases of "stove deaths," many of which related to disputes with in laws.

On April 13, Ayesha Jabeen of Chakwal was burned allegedly while cooking food. She was brought to the district hospital where she died. Jabeen's family contacted NGOs in Islamabad, suspecting that her in laws were involved in a plot to kill Jabeen. No further information was available at year's end.

On April 3, Zakia Bibi married a man of her choice. On October 3, Zakia was found dead in Ali Khan Brohi village in Sindh. The Ratodero police said her body was recovered from the house of her husband, Mohammad Brohi, on report of Araz Mohammed Langah, Zakia's father. Brohi and other family members escaped from the house. Zakia's parents reported that her husband and in laws had tortured their daughter to seek her consent for the second marriage of her husband. Brohi's parents stated that Brohi had already been engaged to a woman of his clan. Doctors said Zakia had been hit on the head, causing her death. Doctors found marks of torture on her body.

In September 2005 according to her in-laws, Safia Khatoon suffered fatal injuries after a leaking gas cylinder exploded in Gujar Khan, Punjab. Safia's family lodged a complaint against her in-laws, and the police found that Safia's husband was involved in spraying her with kerosene and setting her afire. Police arrested her husband, but by year's end no case has been filed.

The government established Crisis Center for Women in Distress locations, which referred abused women to NGOs for assistance. There were 276 district run emergency centers for women in distress where they were sheltered and given access to medical treatment, limited legal representation, and some vocational training. In some cases, women were abused in the shelters.

For example, in August 2005 Kanwal fell from the roof of the shelter in Hyderabad and died while trying to escape what other shelter residents reported were abusive conditions. A preliminary inquiry charged the night staff of the shelter with neglect for failing to provide adequate first aid and for failing to summon medical assistance immediately. Police arrested the caretaker Daarul Aman, Atiya Khatoon, and two of her staff members. No further activity in the case was reported.

Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It was estimated that rape victims reported less than one third of rape cases to the police. Rape victims were often reluctant to report cases of rape for fear of being implicated in consensual fornication or adultery under the Hudood Ordinance and because of negative societal attitudes associated with rape. Since rape was considered a sub-category of non-marital sex, courts often viewed a woman's allegation of rape as an admission of illegal sex, making sexual assault victims susceptible to prosecution themselves, prior to the December 1 signing of the Women's Protection Bill.

Police were at times implicated in rape cases. According to the NGO Women Against Rape (WAR), there were 369 rape cases reported in the media, which WAR estimated to be less than 5 percent of actual incidents. According to the HRCP, statistically a woman was raped every two hours, or gang-raped every eight hours.

In April 2005, the speaker of the National Assembly ordered Sonia Naz's arrest for illegally appearing on the floor of the house to seek assistance for her husband, who had been allegedly harassed in connection with an investigation into stolen vehicles. In May 2005, police allegedly abducted Sonia Naz and detained her for 10 to 12 days, during which time she claimed that the SHO, Jamshed Chishti, raped her on the orders of Abdullah Khalid, Faisalabad superintendent of police for investigation. Police originally refused to file rape charges against the accused, but following a Supreme Court order in October 2005, they arrested the officers for rape. After an initial investigation into the rape incident resulted in conflicting conclusions, including one accusing Naz of falsifying the rape claim, the Supreme Court established a new investigation team. Courts cancelled initial bail for Abdullah and Chishti, and the Punjab chief minister suspended both from the police force. Both Chishti and Abdullah remained suspended at the end of the year. In April Sonia Naz complained that she received threats from her husband's brothers, who later attacked and severely injured her for bringing shame to the family.

On August 25, the Kabirwala police and 12 persons associated with Raza Hayat Hiraji, the minister of state for law, parliamentary affairs and human rights, allegedly kidnapped two lower caste women, Ghazala Shaheen and her mother Mumtaz Mai from the Batti community in Kabirwala, Punjab. Shaheen had completed her masters in education from Baha uddin Zakaria University against the wishes of members of the higher caste Mirali. The abductors kept the victims captive for 12 days and gang raped Shaheen and Mai until local villagers raided the house, caught three of the perpetrators, and helped release the victims. The police allegedly threatened Shaheen and Mai, warning that if they told their story to anyone, they would be paraded nude and their male relatives would be killed in a false police encounter. Local human rights organizations and activists recorded the women's statements, but Hiraji allegedly called the police, instructing them not to allow the women to register a FIR. On September 28, police raided Shaheen and Mai's home and ordered them to leave the village under orders from a "big personality." No action was taken against the culprits, and both victims feared for their lives.

On July 28, three staff members of the Islamic Law Department at Karachi University attempted to rape a female student on campus. She resisted and escaped. Along with friends and family, she lodged a complaint with the vice chancellor who suspended all three perpetrators. The vice chancellor asked the student not to file a formal police report since he was taking action against the culprits. All three staff members were reinstated after three weeks. When the student and her supporters protested, an inspector of the Sindh Rangers suggested that they not make unnecessary "noise," as the ones who tried to rape her had been "punished." By the end of the year, no action had been taken against the staff members.

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were many cases in which rape victims were jailed on such charges. When the zina clause was still included in the Hudood Ordinance

prior to the December 1 passage of the Women's Protection Bill, the standard of proof established in the Hudood Ordinances was based on whether the accused was to be subjected to Koranic (hadd) or secular (tazir, or lesser) punishment. In cases of Koranic punishment, which could result in public flogging or stoning, the victim was required to produce four adult male witnesses to the rape or a confession from the accused. No Koranic punishment has been applied for rape. The punishment for rape can include up to 25 years in prison, 30 lashes, and \$5,000 (Rs 303,000 rupees) fine.

Police often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of rape evidence and were at times physically or verbally abusive to victims, accusing them of adultery or fornication. Women accused of adultery or fornication were forced to submit to medical exams against their will, although the law requires their consent. Judges were reluctant to convict rapists, applied varying standards of proof, and at times threatened to convict the victim for adultery or fornication rather than the accused for rape. Families and tribes at times killed rape victims or encouraged them to commit suicide.

The January 2005 rape of Dr. Shazia Khalid at the Sui gas field in Balochistan remained unresolved. Baloch nationalists claimed she was raped by Frontier Corps personnel; the government claimed DNA evidence indicated otherwise. Dr. Khalid was condemned to death by a tribal jirga for dishonoring the tribe. She and her husband left the country in March 2005. According to human rights organizations, the government pressured Dr. Khalid to leave the country.

After the Lahore High Court overturned the conviction and death sentence of five of the six persons convicted in the gang rape of Mukhtar Mai and commuted the sixth to 25 years in prison, the Supreme Court intervened and assumed jurisdiction of the case. In June 2005 the court ordered the five convicted to be rearrested and held without bail. At the end of the year, they remained in custody and the case was on-going.

There were no developments in the January 2005 Aysha Javed case and the March Arebeli cases. Javed's uncle Riaz shot and killed her after accusing of her of having sexual relations with her neighbor. Arbeli was killed two hours after her wedding ceremony by her husband Yousif, who accused her of having had sexual relations with her cousin.

Prior to the December 1 signing of the Women's Protection Bill, husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances in order to control their behavior as a means of intimidation. The Hudood Ordinance made rape victims liable to prosecution and led to thousands of women being imprisoned under false pretext. According to HRCF's 2005 report, there were approximately 4,621 women in jail under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail, with reputations destroyed.

Honor killings and mutilations, including cutting off of women's noses and stripping women naked to dishonor them, occurred during the year. Women were often the victims at the hands of their husbands or male relatives. No accurate statistics existed on the number of honor crimes committed during the year. Official statistics stated an average of 1,000 persons were murdered each year in the name of honor. Other sources, including the media, reported 1,137 honor killings, through November. An official from the Citizen's Commission for Human Development reported that 229 women were murdered from January to June in the name of honor. Approximately 54 percent were married. The CCHR estimated that 27 percent were killed by their fathers, brothers, or in-laws; 25 percent by their husbands; 11 percent by relatives; and 19 percent were murdered by unidentified persons. Human rights groups believed that such incidents were common in the Sindh, in the Punjab and among tribes in Balochistan, NWFP, and FATA. In January 2005 President Musharraf signed a bill into law that provides for additional penalties for all crimes involving honor and criminalizes the practice of giving women in marriage as restitution for crimes.

However, human rights groups criticized the legislation as not being forceful enough because it still allows for the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping physical charges. Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

On April 24, The Daily Times reported that the Nihag Dara Wari jirga in Dir ruled that anyone reporting honor killings to police or other authorities would be killed. Malik Faiz Muhammad, a leading jirga member, explained this was because honor killing reporting was giving the area a bad reputation. According to the report, Muhammad said, "We stick to our verdict that honor killing is permissible and those who commit it will not be liable to any punishment. We will also not allow the aggrieved party to report the case to the police or file the case before a court. We will kill those who will violate the jirga verdict." Sajid Mohmand, senior superintendent of police for Upper Dir declared this ruling illegal and said that honor killings would continue to be registered and prosecuted.

According to HRCP, on September 5, Khanewal police arrested Ejaz Draaz, Emtiaz Draaz, Riaz Draaz, and Umer Draaz for allegedly stripping a widow, Shamim Bibi, and parading her naked in the village market as punishment for her son disgracing their cousin.

On September 15, Jamroz Khan shot his wife Shahida Bibi in Kohi Barmol village, district Mardan, NWFP. Khan, who alleged his wife was of bad repute, escaped. The Katlang police registered the case, but by the end of the year, Khan had not been located.

On October 2, according to an Islamabad based NGO, Akram Shambhani killed his niece, Ms. Zadi, daughter of Ameer Bux Shambhani, when she was in her home, and killed his stepbrother Barocho, son of Bahawal Din Shambhani. Shambhani

suspected that the two were having an affair and declared them "karo kari" (adulterers). By the end of the year, police had not charged Shambani with the double murder.

On November 20, Hyder Ali Shar of the village Sikandar Shar in Khairpur axed his daughter Fahmida and her alleged lover, Anwar Ali, to death. Shar confessed to the crime and admitted he could not control his anger when he found his daughter and Ali together.

On November 29, a group of armed men killed Mohammad Ayub Mahar's three daughters and his daughter-in-law, Safia Mahar in the Abdo village in Shikarpur district for allegedly having illicit affairs with other men. The honor killing allegedly occurred at the behest of Shafi Mohammed Mahar, Safia's father.

In December 2005 Nazir Ahmed of Multan, slit the throats of his step-daughter and his three young daughters to salvage his family's "honor." Ahmed killed his step-daughter Muqadas for allegedly committing adultery, and his daughters because "he didn't want them to do the same when they grow up." Police arrested Nazir in December 2005 while he was attempting to flee Multan. By the end of the year, he remained imprisoned in Multan, awaiting trial.

Despite laws barring child marriages, there was evidence that many took place. According to HRCP, the sale of minor girls in marriage to men much older than them by impoverished families increased, with a growing number of instances reported in Sindh and southern Punjab. Despite bans on the handing over of women as compensation for crimes committed by rival tribes (also known as vani or swara) the practice continued in the Punjab and NWFP. HRCP reported that watta satta, the practice in which two men marry each other's sisters, took place routinely.

In rural Sindh landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male over 14 years of age. These women were expected to stay in the home and not maintain contact with anyone outside of their family. HRCP documented women in Sindh had been "married" to the Koran.

On July 11, Arisha Bibi was beaten by her father and brothers when she refused to marry Ghulam Akbar to settle a family dispute that had led to one death. Arisha, a college student, refused to marry the much older Ghulam. She was beaten unconscious, her thumb print was taken on the marriage contract, and her signature was forged. On July 13, her mother approached the Progressive Women's Association for assistance, but under pressure from other family members, Arisha finally consented to the marriage.

On December 7, police arrested Jamal Arain in Harappa district, Punjab for killing his daughter. Arain argues that he killed his daughter because she had been possessed by a demon. Arain and his sons set his daughter's body on a pyre and set it on fire.

The estimated 100,000 Bohra Muslims practiced female genital mutilation (FGM), which was prohibited by law. While no statistics on the current prevalence of FGM among the Bohras existed, the practice reportedly declined.

Prostitution was not legal. Most prostitutes were victims of either domestic or international trafficking and were held against their will. Police generally ignored the activity, as long as they were bribed. Police raided brothels during the year, but many continued to operate underground, particularly in larger cities. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a widespread problem. There was no law to protect women at the workplace. Press reports indicated that harassment was especially high among domestic workers and nurses. While the Penal Code prohibits harassment, prosecution was rare.

The law prohibits discrimination on the basis of sex; however, in practice this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system (see section 2.c.). Prior to the enactment of the Women's Protection Act, the Hudood Ordinances created judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of contractual future obligations, a woman's testimony was equal to half that of a man's testimony.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes.

Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one eighth of their husband's estate. Women often received far less than their legal inheritance entitlement.

Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives.

The Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy until Arifa Syed Zehra was appointed its chair on February 1 and began hiring staff. In 2003

the government mandated that the NCSW develop policy supporting women. After former chairperson Majida Rizvi recommended complete repeal of the Hudood Ordinance in August 2003, the government funded a further study of the suggestion. This resulted, in part, in the December 1 Women's Protection Act.

Numerous women's rights NGOs such as the Progressive Women's Association, Struggle for Change, and Aurat Foundation, were active in urban areas. Their primary issues of concern included domestic violence, the Hudood Ordinance, and honor crimes.

Children

The government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. Local laws do not mandate free public education, and schools generally charge tuition. While some state governments passed laws requiring free public education, such as Punjab, many public schools continued to charge tuition and fees for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school, the madrassa system. In urban areas many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to an Islamabad-based organization, of the 19.1 million children between the ages of five and nine, only 42 percent were in school. Less than half of children who enrolled completed more than five years of education, six percent of enrollees completed grade 12. The national literacy rate of 38 percent showed a significant gap between males (57 percent) and females (32 percent) due to historical and societal discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.

Madrasahs served as an alternative to the public school system in many areas. Many madrasahs failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrasahs reportedly continued to teach religious extremism and violence. The government continued its efforts to modernize madrasah education during the year. An agreement was reached with the country's five independent madrasah boards to register the 85 percent of madrasahs under their control and to introduce a modern educational curriculum in those madrasahs that are registered. At year's end, approximately 8,000 of the estimated 13,000 madrasahs were registered.

At the vast majority of madrasahs, students were well treated. However, press reports claimed that there were madrasahs, primarily in isolated parts of NWFP and interior Sindh, where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused.

Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of five years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government

facilities, families were more likely to seek medical assistance for boys. There were 919 hospitals and 4,632 dispensaries in the country. In addition, there were 907 maternity/child welfare centers.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. According to the NGO Lawyer's Committee for Human Rights, 3,100 children were sexually harassed or abused during the first nine months of the year in Sindh Province alone. In rural areas, poor parents sold children as bonded laborers (see section 6.d.) and at times sold daughters to be raped by landlords. The legal age of marriage for males is 18 and 16 for females. There are no provisions to allow marriages at a lower age with parental consent. No credible statistics were available on the frequency of child marriage, but NGOs agreed that it was a problem, especially in the Dir and Swat districts of the NWFP, where the sale or trading into marriage of girls as young as 11 was reportedly common practice among the Pashtun subtribes as acts of retribution and to settle scores between tribes.

Trafficking and commercial sexual exploitation were problems (see section 5, Trafficking). According to SAHIL, an NGO that focuses on child sexual exploitation, sexual exploitation of children without the intervention of a third party was rare.

Child labor was a significant problem (see section 6.d.).

NGOs such as Sahil, SPARC, and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems. There was a general consensus among these NGOs that approximately 100,000 children lived on the streets in urban cities. Many were run-aways from the interior of Punjab and Sindh provinces or Afghan refugees and lived in cities

Trafficking in Persons

The law prohibits international trafficking in persons but remains silent on internal trafficking; however, both forms of trafficking were serious problems. All forms of international trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from seven to 14 years' imprisonment plus fines. The government arrested 1,393 suspected traffickers and prosecuted 685 under the ordinance during the year, but it was unclear whether these cases included human smuggling. According to SHARP, the government registered 1,700 cases of human trafficking during the year. The Federal Investigation Agency's (FIA) dedicated antitrafficking unit (ATU) had primary responsibility for combating trafficking. An Inter Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The government assisted other countries with international investigations of trafficking.

Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on deceptive promises of legitimate jobs. The NGO Ansar Burney Welfare Trust estimated that approximately 200,000 Bengali women and 250,000 Burmese

women were trafficked into the country and forced to engage in prostitution. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, traffickers confiscated both groups' passports and forced them to work to pay off their transportation debt.

While the problem of child camel jockeys was effectively dealt with in May 2005 when the United Arab Emirates (UAE) banned the use of children as camel jockeys, the NGO Ansar Burney Welfare Trust reported that at least 46 child jockeys were sent to the UAE during the year. The boys were primarily recruited from the impoverished districts of the southern Punjab and interior Sindh.

Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and labor. Bonded labor of children in brick kilns, rice mills and textile factories remained a serious issue. In some cases families sold these victims into servitude or believed they were marrying off their children or sending them for legitimate employment, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year authorities reportedly prosecuted governmental officers and arrested FIA inspectors for facilitating trafficking. According to an Islamabad based NGO, 13 officials of the FIA were punished under departmental laws. The details of the punishment were not available.

The government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated nearly 298 camel jockeys from the UAE and Qatar. In March 2005 the central government opened one model shelter specifically for trafficking victims. There were 276 additional district run emergency centers for women in distress where trafficking victims could be sheltered and given access to medical treatment, limited legal representation, and some vocational training. The government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking.

With the establishment of a dedicated ATU, treatment of trafficking victims improved, although some women forced into commercial sexual exploitation may have been treated as criminals under the Hudood Ordinances before the law was amended during the year. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination upon their repatriation.

In April the Lahore High Court decided the case of Aisha Parveen, who was forced into prostitution in Khanpur at the age of 14 by Gul Sher, who "married" her in 1999. Parveen was permitted to start a new life with Muhammad Akram, her husband who had helped her escape from Gul Sher's brothel. Both Akram and Aisha left Khanpur, and their whereabouts were unknown. On March 28, police

had arrested Sher and jailed him for three days. After Sher's release in December, he tried to kidnap Aisha. The court issued a restraining order against Sher and later sent Aisha to Darrul Aman (a women's shelter in Lahore) where she was given protection.

Several NGOs held workshops on trafficking during the year, and the government and NGOs worked to publicize the plight of camel jockeys through press advertisements and the plight of camel jockeys public awareness campaigns to discourage the continuation of the practice.

Persons with Disabilities

The law does not discriminate against people with disabilities; there are employment quotas at both federal and provincial levels. The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases these individuals were forced into begging, and organized criminals took much of the proceeds. The law requires 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 uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as a degree of subsistence funding. The Council also operated the "Pakistan Society for the Rehabilitation of the Disabled" which provided rehabilitation, vocational training and some medical support to the disabled. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see section 1.c.).

There are no restrictions on the rights of the disabled to vote or participate in civil affairs.

Other Societal Abuses and Discrimination

Homosexual intercourse is a criminal offense; however, the government rarely prosecuted cases.

Homosexuals rarely revealed openly their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation.

In cooperation with donors and the UN, the government established the National AIDS Control Program (NACP), which managed an aggressive campaign to educate its citizens regarding AIDS. NACP held rallies, public campaigns and spoke about birth control and AIDS awareness in mosques. Those suffering from HIV/AIDS faced broad societal discrimination.

The Shi'a, Christian, Hindu, and Ahmadi communities all faced discrimination and societal violence (see section 2.c.). The government removed religiously sensitive material from new text books.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. Agricultural workers, nonprofit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the government underestimated the number of union members. The large number of workers in the informal sector (70 percent of a total labor force of 51 million) was not represented by unions.

On July 21, the Sindh provincial government's education department banned teachers' unions and sent "forced leave" letters to 34 teachers. In addition, the government threatened another 150 teachers and lecturers for their involvement in the teacher's association. On December 13, the Sindh High Court stayed the ban and the education department was ordered not to interfere with the creation of a union. At year's end, both teachers' unions were active again.

On August 26, the Registrar of Trade Unions of Sindh banned the trade union at Karachi Shipyard and Engineering Works (KSEW). The government reportedly took this action at the behest of the Federal Minister of Defense Production, who believed the action would result in higher productivity. This action affected approximately 3,000 workers. Authorities imposed the ban while KSEW management held conciliation meetings with a labor union, the sole collective bargaining agency of the KSEW, regarding the charter of demands that had been pending with the Ministry of Defense Production since 2003. The ban remained in place at the end of the year.

b. The Right to Organize and Bargain Collectively

A few sectors are exempted from the IRO: the police, armed forces, ministry of defense, Pakistan security printing corporation, civil defense, fire services, and oil installations. In the rest of the economy the government allowed unions to conduct their activities without interference. The IRO protects the right to collective bargaining, subject to restrictions, but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent.

Legally required conciliation proceedings and cooling off periods constrain the right to strike, as does the government's authority to end any strike that may cause "serious hardship to the community," prejudice the national interest, or has continued for 30 days. The government can and has prohibited all strikes by public utility services under the IRO. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates fines for offenders. The law does not protect leaders of illegal strikes.

On July 8, the Labor Party of Pakistan organized a 39 day strike in Faisalabad. More than 15,000 textile workers went on strike when the owners of the looms and mills fired people who demanded a salary increase from \$1.60 (Rs 97) per day to \$2.66 (Rs 161) per day. The owners of the textile units registered cases of looting, plundering and sabotage against the union leaders. The government arrested 28 union leaders. Following negotiations, the owners withdrew the cases. On August 16, the union leaders were released; however, by the end of the year, worker demands were not addressed.

National labor laws require the government to determine every six months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in the country's three Export Processing Zones (EPZs) are exempt by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including by children; however, the government did not enforce these prohibitions effectively, and there were reports that such practices occurred. The Bonded Labor System Abolition Act outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The act makes bonded labor by children punishable by up to five years in prison and up to \$825 (Rs 50,000) in fines.

Estimates by NGOs SPARC and SHARP suggested that between 1.5 and 2 million persons were involved in some form of bonded labor, primarily in Sindh Province. Bonded labor was most common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread. A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus. Bonded laborers were often unable to determine when their debts were fully paid. Those who escaped often faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them.

Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

Children were forced to work in the brick kiln and carpet weaving industries as well as agriculture tied to their family's obligation to their feudal overlord.

d. Prohibition of Child Labor and Minimum Age for Employment

The government 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. According to HRCP, there were approximately 10 million child laborers. The media reported that 70 percent of non-agricultural child labor took place in very small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities that employ fewer than 10 persons. Child labor in agriculture and domestic work was common.

Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see section 5).

The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work. For example, no child is allowed to work overtime or at night and should be guaranteed one day off per week; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. In 2001 the Ministry of Labor identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving, among others.

Authorities obtained hundreds of convictions for violations of child labor laws, but low fines levied by the courts ranging from an average of \$6 (Rs 364) in the NWFP to an average of \$121 (Rs 7,344) in Balochistan were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (Rs 20,200). Penalties often were not imposed on those found to be violating child labor laws.

The International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) continued programs in the carpet weaving, surgical instrument, rag-picking, and deep sea fishing industries as well as a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the government, ILO IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries.

e. Acceptable Conditions of Work

The national minimum wage for unskilled workers was \$42 (Rs 2,500) per month. It applied only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Significant parts of the work force (such as those in the

informal sector, domestics and migrant workers) were not covered. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

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, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights.