

2008 Human Rights Report: Pakistan

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Pakistan is a federal republic with a population of approximately 173 million. During the year, civilian democratic rule was restored in the country. President Asif Ali Zardari, widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became head of state on September 6, replacing former President Pervez Musharraf, who resigned on August 18. International observers noted that parliamentary elections on February 18, while flawed, were competitive and reflected the will of the people. The election brought to power former opposition parties, led by the PPP, in a coalition government; the national parliament elected Yousuf Gilani as prime minister and head of government on March 24. The PPP and its coalition partners at year's end controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Of the 13 Supreme Court justices whom then President and Chief of Army Staff Musharraf dismissed in November 2007, by year's end the new government had reinstated five under a fresh oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Iftikhar Chaudhry. The newly elected government did not enforce media restrictions adopted during the 2007 state of emergency. It lifted curbs on unions imposed during Musharraf's tenure, so at year's end workers in some industries could organize legally. In an effort to quell the insurgency in Balochistan, the government withdrew politically motivated charges and exit control restrictions against some Baloch leaders. While the security forces generally accepted direction from the civilian authorities during the year, there were some instances in which elements of the security forces acted independently of civilian authority. The chief of army staff withdrew 3,000 active duty military officers from civil service positions assigned by former President Musharraf.

Despite some improvements after the state of emergency at the end of the previous year, the human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. There were also instances in which local police acted independently of government authority. Collective punishment was a problem particularly in the Federally Administered Tribal Areas (FATA), which falls under the legal framework of the Frontier Crimes Regulation (FCR). Lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the government and police forces, and the government made few attempts to combat the problem. Although implementation of the 2006 Women's Protection Act somewhat improved women's rights, rape, domestic violence, and abuse against women remained serious problems. Honor crimes and discriminatory legislation affected women and religious minorities respectively. Religious freedom violations and

inter-sectarian religious conflict continued. Widespread trafficking in persons, child labor, and exploitation of indentured and bonded children were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.

Military operations in the FATA and the Northwest Frontier Province (NWFP) killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country, most notably in Kurram Agency, killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs), but at year's end there were an estimated 200,000 IDPs in the NWFP and FATA. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Reports of arbitrary or unlawful killings by government agents and politically motivated killings continued during the year, as did arbitrary or unlawful killings of civilians in conflict. (See section 1.g.)

Some targeted killings of political dissidents and individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. Through November the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 64 civilian deaths after encounters with police and 101 deaths in jails. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media, however, reported security forces staged many of the deaths.

The government frequently investigated, and sometimes convicted, police officials for extrajudicial killings. Through August 2008 the inspector general of the Punjab Police reported its provincial police force disciplined 973 officials for a variety of crimes. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses, however, consistently contributed to a culture of impunity.

On January 24, Allah Bakhsh died after a night in police custody near Khanewal, Punjab. The Human Rights Commission of Pakistan (HRCP) reported Bakhsh allegedly died of torture, although police claimed he died of cardiac arrest.

On May 4 or 5, policeman Jafar Husain and two others allegedly tortured Rafique Masih to death in a Lahore police station, according to the HRCP. A police official told the media the lower part of Masih's body had torture marks on it. Officially the cause of

death was listed as cardiac arrest, but authorities said that torture could not be ruled out and that a murder case was registered against three policemen.

On August 18, police allegedly tortured Falak Sher in custody in Sheikhpura, Punjab; his body was later discovered in a nearby field. After people in the surrounding areas demonstrated against the death, the district police officer lodged a case against the officer in charge of the investigation, Arshad Latif. Sub-Inspector and then Station House Officer (SHO) Muhamad Khalid was suspended. In November Sher's family accepted a financial settlement in the case.

On October 15, prison guards shot and killed three inmates during riots at Karachi's Malir District Jail, and a fourth was killed by a blunt object, according to the HRC. Prison guards reportedly were ordered to open fire due to fears of a jailbreak. On October 16, authorities lodged cases against 69 inmates involved in the incidents. Prison authorities sent the 225 "key culprits" to other jails and suspended five jail officials and one police official from active duty.

By year's end, authorities had transferred two police officers accused of involvement in the 2007 death in custody of Ali Nawaaz in Karachi. Although a doctor reportedly told Nawaaz's family he died of kidney failure, the family claimed they saw marks of torture on his body, including wounds on his head, neck, left kidney, legs, and back. Police initially refused to act on the matter, but after many citizens pressured the police to ask the father to lodge a case, the father registered it.

A trial in the Rawalpindi Anti-Terrorism Court was ongoing at year's end in the May 2007 death of Supreme Court Additional Registrar Syed Hammad Raza. After an initial investigation, police said the killing was in connection with a robbery; Raza's family and his colleagues in the legal community accused security agencies of the killing because of Raza's alleged relationship with then suspended Chief Justice Iftikhar Chaudhry.

Initial investigations into the death of Malik Zaheer in September 2007 when he was on trial for the murder of Arif Bhinder indicated Zaheer died of natural causes. Subsequent investigation revealed evidence of torture on Zaheer's body, and Zaheer's relatives filed an appeal of the official findings in the Lahore High Court. The case was ongoing at year's end.

The inquiry into the death of Arif Bhinder, the Punjab assistant advocate general who was killed in Lahore in January 2007, was ongoing at year's end in the Lahore Anti-Terrorism Court.

There were no developments in the 2006 death in custody of Habibur Rehman in Chitral. Prior to his death, a doctor's report stated that Rehman was in shock and in critical condition after being beaten.

There were reports of politically motivated killings by political factions or unknown assailants. Examples of these cases include the following:

The European Union (EU) Election Observation Mission reported that more than 100 party supporters were killed during the campaign for the February parliamentary elections, in addition to the December 2007 assassination of former PPP leader, Benazir Bhutto. Fifty more were reportedly killed in clashes between supporters.

During the year, tribal leaders and political leaders, including 11 members of the ANP, PPP, PPP-Sherpao, and Pukhtoonkhwa Milli Awami parties, were killed in FATA and the NWFP. Notable politically motivated killings included a February 9 bomb blast at an ANP rally in Charsadda in NWFP that killed more than 27 individuals; a February 11 suicide attack in North Waziristan that killed two local ANP leaders and six others and injured a candidate for the National Assembly; an attack in Parachinar in FATA that killed 37 individuals gathered outside the offices of a parliamentary candidate two days before the elections; the late August attacks in Swat in NWFP on local ANP leaders and a former district president of the Pukhtoonkhwa Milli Awami party; and a December 28 suicide car attack at a polling station in Bunir district of NWFP during the by-election for a national assembly seat.

During the year, sources in the Muttahida Qaumi Movement (MQM) party, which has the strongest political influence in Karachi, accused Jamaat-e-Islami (JI) activists of killing 19 of its members, including a Karachi University student, in ongoing violence between the two parties over political control of the province. Fourteen of these MQM members died in ethnic violence on November 29 and 30. JI accused MQM of killing 13 JI activists.

On April 9, rioting between MQM lawyers and other lawyers in Karachi left nine dead. Authorities found seven bodies in lawyers' offices, and the mob torched 40 vehicles following attacks on former Minister Sher Afghan Niazi in Lahore the previous day.

By year's end, a trial in the Sindh High Court was in process for those arrested in connection with the deaths of more than 40 political activists from multiple parties during demonstrations planned to coincide with the May 2007 arrival of then suspended Chief Justice Chaudhry to Karachi. Many observers blamed the violence on the MQM party, a member of the ruling coalition that controlled the Sindh provincial government, since there were multiple reports that the government had ordered police not to deploy to demonstration areas. MQM officials denied responsibility for the violence, claiming 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial.

At year's end, the case of a suicide bomber who killed 11 police officers and eight civilians at an Islamabad political rally in July 2007 was under way at an antiterrorism court. Police arrested three persons in September 2007.

Police did not make any arrests in the case of two suicide bombers who killed more than 130 civilians and 11 police officers in Karachi during a procession to welcome former Prime Minister Benazir Bhutto's return in October 2007. On October 17, the district court

of Karachi ordered that a case be registered against Pervez Ilahi, former chief minister of Punjab; Ijaz Shah, former director general of the Intelligence Bureau; and Hameed Gul, former director general of Inter-Services Intelligence (ISI).

On July 10, the UN agreed in principle to a government request to initiate an investigation into the December 2007 assassination of former PPP leader Benazir Bhutto, an attack that also killed at least 30 of her supporters and police. Scotland Yard assisted local officials in their investigation in January but did not explore who perpetrated the attack. At year's end, there were no suspects in custody.

By year's end there were no arrests in the case of seven killed in violence at a political rally held by Nawaz Sharif, leader of the Pakistan Muslim League-Nawaz (PML-N), in Karal Chowk the same day as the Bhutto assassination in December 2007.

By year's end the Supreme Court had not ruled on the legality of the July 2007 military assault against armed militants inside Islamabad's Red Mosque (Lal Masjid) that left 106 dead. The government did not allow the mosque to reopen an affiliated madrassa (privately run Islamic school), but allowed another, Jamia Faridia, to renew operations under government scrutiny.

Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups outside FATA resulted in hundreds of deaths during the year. Examples of these cases include the following:

On April 8, a mob of Muslim workers at a factory in Karachi beat to death Jagdish Kumar, a young Hindu co-worker they accused of making derogatory comments about the Prophet Muhammad. The family, activists, and politicians disputed the blasphemy allegation. Police arrested suspects on charges of "failure to inform the police that blasphemy was under way," according to press reports. At year's end, a case was registered but authorities did not arrest any suspects in the killing.

On May 4, Adeel Masih, a 19-year-old Christian, was killed in Hafizabad, Punjab, after he allegedly proposed to a Muslim girl. Although initially police claimed it was suicide, following an investigation they arrested two Muslim youths suspected of involvement in the case. There were no convictions by year's end, as authorities continued to probe the case.

On June 16, a bombing at a Shia mosque in Dera Ismail Khan, NWFP, killed four worshippers.

On September 7, the local anchor of a religious affairs program on Geo Television, Amir Liaquat Hussain, declared that Islamic teachings necessitated the killing of members of the Ahmadi sect and prompted two religious scholars who were guests on the program to affirm the injunction. Amir, a former minister of religious affairs in the Musharraf government, repeated the statement the next day. Within days, two local Ahmadi leaders were killed in Sindh. Two gunmen killed Dr Abdul Mannan Siddiqui, an Ahmadi doctor

and local leader known for his charity work, in a Mirpurkhas hospital on September 8. The gunmen also shot an Ahmadi guard and two patients. A day later, gunmen killed another local Ahmadi leader, Seth Muhammad Yousuf, in the bazaar in Nawab Shah. The Pakistan Medical Association called for official investigations into the case, but as of year's end, the government continued to stall investigation into the deaths. Local media and human rights organizations condemned the Geo program for inciting sectarian violence.

There were no developments in the April 2006 suicide bombing at a Barelvi Sunni birthday celebration for the Prophet Mohammed. The bombing killed 59 persons and injured more than 100. A suspected member of Laskar-e-Jhangvi reportedly confessed to the crime, and the Karachi police arrested a suspect in July 2007. At year's end, the case was ongoing.

There were no arrests in the September 2006 case of two assailants in the Muslim Bazaar of Sargodha in Punjab who killed Shia leader and former district president Syed Bashir Hussain Bukhtari of the outlawed Shia group, Tehreek-e-Jaferia Pakistan (TJP), according to Taangh Wasaib Tanzeem, a Sargodha-based NGO.

b. Disappearance

During the year politically motivated disappearances declined, but police and security forces continued to hold prisoners incommunicado and to refuse to disclose their location. The HRCP estimated that by November approximately 1,100 individuals were still missing under official detention, down from 1,600 in 2007. On August 27, the Ministry of Interior acknowledged that many individuals remain missing in Balochistan. Some disappearances were related to terrorism and national security, and human rights organizations reported many Sindh and Baloch nationalists were among the missing. According to Amnesty International (AI), children also disappeared with their relatives.

Then President and Chief of Army Staff Musharraf's decision in November 2007 to abrogate the constitution and fire the Supreme Court effectively prevented continued action on the approximately 600 disappearance cases the court was reviewing as part of then Chief Justice Chaudhry's efforts to have the government release or regularize the detention status of prisoners that various security agencies held incommunicado.

Osama Waheed allegedly disappeared in Karachi on September 14 according to his brother, who filed a petition with the Sindh High Court. Police denied arresting Waheed, but the division bench of the high court ordered the Karachi police to investigate further. At year's end, Waheed was still missing.

Men in plain clothes picked up Zeeshan Jalil on October 18 in Karachi according to his wife, who filed a petition before the Sindh High Court to determine his whereabouts. Police denied arresting Jalil, but the division bench of the high court ordered Karachi police to investigate further. At year's end, Jalil was still missing.

Waheed Kambarani and Sherdil Khan, who were seized at a restaurant in Khuzdar, Balochistan, in June 2007 and held in an unknown location for a month, remained incarcerated and the details of the charges against them were unavailable. They appeared in a Khuzdar detention center in December 2007.

In August authorities released Abdul Rauf Sasoli and Saeed Barohi following their arrest in February 2006. Both were members of the Baloch nationalist Jamhoori Watan Party, and Sasoli was elected secretary general of the Aali Bugti Faction of the Jamhoori Watan Party.

On May 1, authorities released Dr. Safdar Sarki, who had disappeared in February 2006 after he was seized by a group of 16 men presumed to be plain clothes security officers. Sarki, a U.S. citizen with dual nationality, first reappeared in court in October 2007 in southern Balochistan. Before releasing him, officials moved Sarki to a prison in Zhob, a remote area of northern Balochistan.

AI reported that since the state of emergency in 2007, there were no developments in the well-publicized cases of Atiq-ur Rehman, a scientist and officer of Pakistan's Atomic Energy Commission who disappeared in 2004, or Syed Nasir Ali Shah, who disappeared in April 2007. AI also reported that an inmate who was later released, Dr. Imran Munir, said he saw Masood Janjua in detention in 2006, after his disappearance in 2005.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment; there were reports, however, that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in antiterrorism courts. The NGO SHARP reported 1,013 cases of torture by police between January and June, including approximately 500 cases by the Punjab police and nearly 350 cases by the Sindh police. Observers noted that underreporting of torture is prevalent in the NWFP and Balochistan due to local customs. Alleged torture occasionally resulted in death or serious injury.

Human rights organizations reported methods including beating with batons and whips, burning with cigarettes, whipping soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.

Security force personnel reportedly raped women during interrogations. The government rarely took action against those responsible. Before the 2006 Women's Protection Act, the Hudood Ordinances allowed Koranic punishments for violations of Shari'a (Islamic law), including amputation and death by stoning. There were no reports that authorities imposed such punishments during the year.

On March 14, according to an Asian Human Rights Commission (AHRC) report, police arrested an unnamed 17-year-old girl in Faisalabad alleging she murdered her fiancé.

AHRC alleged she was tortured, held naked in police detention 16 days without appearing in court, twice raped by police investigator Shujat Ali Malhi, and threatened with gang rape. At the end of March, according to the AHRC, authorities also arrested her elder sister without charge or court mandate and tortured her.

On August 6, according to local media, police in Hyderabad executed a warrantless raid on the home of Agha Mahboob Ahmed, who was arrested on suspicion of involvement in a bank robbery. He was taken to and allegedly tortured at the Hyderabad Criminal Investigation Agency center.

In September 2007 an influential member of the local community mediated a resolution in the January 2007 arrest in Sindh of Hazoor Buksh Malik for not possessing a national identity card while he was in a market. During his detention, he alleged that the Station House Officer (SHO), Mohammad Tunio, tortured him by severing his genitalia.

Five police officers arrested in the February 2007 Lahore gang rape of a woman at a vehicle checkpoint remained in prison and the case was ongoing at year's end. After the family pursued the case in the Lahore Police Administration, all five officers were found guilty and arrested under the Women's Protection Bill. The Aurat Foundation, a women's rights NGO, reported that the men remained in custody at year's end.

There were no developments in the case of Mubarik Ali, who was arrested in July 2007 after he submitted a complaint about the behavior of a local police official. While he was in custody, police reportedly beat him with iron rods and clubs, causing loss of eyesight and loss of his left leg. After the case garnered media attention, police investigated and suspended three police personnel. The accused personnel disappeared in August, however, and the family alleged police allowed them to escape.

No official action was taken against officers involved in the June 2006 sexual assault of Shahnaz Fatima and Javeria Alam in Islamabad, or against police officers involved in the alleged beating and torture of Gul Waiz in Adiala Jail in July 2006.

By year's end, no charges had been brought against SHO Sadaat Ali for his alleged involvement in torturing Arif Ali and Irfan Ali in Multan in 2006.

Prison and Detention Center Conditions

Prison conditions were extremely poor and failed to meet international standards. Overcrowding was widespread, except for cells of wealthy or influential prisoners. According to SHARP, nearly 90,000 prisoners occupied 87 jails originally built to hold a maximum of 36,075 persons.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diet with help from family or friends. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

Police reportedly tortured and mistreated those in custody and at times engaged in extrajudicial killings. Christian and Ahmadi communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were afforded poorer facilities than Muslim inmates and often suffered violence at the hands of fellow inmates.

On February 1, local media reported Irfan Khan, resident of Rawat near Rawalpindi, died of a serious digestive disorder. He reportedly suffered from stomach and intestinal ulcers, but jail staff refused to give him adequate food and medicine. Jail staff allegedly demanded bribes from his family for bringing him meals.

On February 18, John Masih, a Christian inmate in Adiala prison, died of pneumonia. According to the Global Foundation (GF), he was refused adequate medical care and the jail lacked adequate facilities to treat his condition.

On June 27, Idris Ahmad, an inmate at Sihala jail near Rawalpindi, died of a heart attack. According to GF, jailers ignored his repeated complaints and calls for assistance.

Following a complaint of torture by Mirza Sarfaraaz, a death-row inmate in Adiala prison, the judiciary launched an inquiry into prison conditions and the prisons department in June. The inquiry revealed that prisoners who did not pay bribes were brutalized. Participating judges recommended the inspector general of prisons establish a joint judicial and departmental commission to examine the matter further. By year's end, there were no new developments.

There were reports of prison riots, largely due to the poor living conditions inside prisons. For example, on September 15, inmates rioted after authorities refused to allow death-row inmate Muhammad Yousaf to attend his mother's funeral and beat him in front of other prisoners for making the request. The Sindh prisons inspector suspended both the jail deputy superintendent and assistant superintendent because of the riots.

On October 4, prisoners in Hyderabad central jail rioted over a lack of basic facilities and alleged official corruption. More than 1,000 prisoners broke out of their cells and protested both the solitary confinement of 40 prisoners and basic conditions of confinement. Police injured four inmates in the clashes. Prisoners only ended their siege after they received a written statement from officials ensuring they would not be tortured. The Sindh attorney general promised an investigation of allegations of torture.

In October, rioting also erupted in the Karachi, Multan and Timergara prisons. According to Global Foundation (GF), an NGO working on prison issues, 20 deaths were reported in Rawalpindi's Adiala Prison through August due to lack of basic facilities.

Prison officials kept child offenders in the same facilities as adults but in separate barracks. 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.

In 2005 authorities expanded the number of special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations.

Although the law contains provisions for inmate release on probation, scarcity of resources made this option impossible in most cases.

The International Committee of the Red Cross (ICRC) had an agreement with the authorities on independent visits to prisons throughout the country, but this understanding was only partially honored, and ICRC visits were not taking place in the provinces of Punjab and Balochistan at the end of the year. Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and women inmates, but visits of prison conditions for male inmates, whose conditions were poorest, took place rarely and on an ad hoc basis.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but authorities did not always comply.

Role of the Police and Security Apparatus

Police have primary internal security responsibilities for most areas of the country. Under the Police Order (Second Amendment) Ordinance of 2006, control of local police falls under the Ministry of Interior. The provincial government has the power to transfer officers from their posts, however, and district nazims write the district police officer annual performance evaluation reports, which guides promotions.

Law and order in the FATA is administered under the FCR through the political agent, who reports to the president through the NWFP governor. In lieu of police, there are multiple law enforcement entities that operate in FATA. These include various tribal forces: the paramilitary Frontier Corps, which reports to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between the FATA and the NWFP; levies, which operate in some FATA agencies and report to the political agent; khassadars, which help the political agent maintain order; and lashkars, tribal militias convoked by the political agent or others to deal with temporary law and order disturbances.

The Rangers are a paramilitary organization under the authority of the Ministry of Interior.

The armed forces are responsible for external security; at times during the year they were also assigned domestic security responsibilities.

Corruption within the police was rampant. Low salaries and poor working conditions contributed to corruption, particularly for low-level officials.

Police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and avenge personal grievances. Critics charge that the appointment of the SHO has become politicized.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests. Frequent failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims, provincial interior or chief ministers, federal interior minister, 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, and these mechanisms were sometimes used.

The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. The Karachi city government reportedly gave facilities to the city's human rights officers for training. During the year, at least three NGOs (Society for the Protection of the Rights of the Child, Sahil, and SHARP) trained police. In the Punjab and NWFP, public safety commissions were established but functioned poorly due to their vague mandate, according to SHARP and the GF, and due to their susceptibility to interference by the provincial executive, according to the International Crisis Group (ICG). Although district public safety committees existed in Punjab, Sindh, and a majority of districts in NWFP and Balochistan, inadequate staffing undermined their effectiveness. ICG also reported these committees were subject to political influence.

By August 2007 the government had converted 25 of Balochistan's 27 districts from "B areas" controlled by local levy forces who obeyed local tribal chiefs to "A areas" controlled by police. Nearly 3,000 of the 3,560 levy forces in 2006 were converted to police, and nearly 1,500 local youth were inducted into the newly formed police force.

Human Rights Watch (HRW) noted that individuals who did not support Kashmir's accession to the country were subject to abuse or harassment by the intelligence agencies and the military.

Political parties reported that there was less interference from the Musharraf government in the months prior to the February parliamentary elections than occurred prior to the 2005 local government elections. During the campaign, the government relied primarily on the police and intelligence agencies to harass political opponents, according to the

ICG. In some districts, police officers arrested opposition workers on false charges and broke up opposition rallies.

Police often failed to protect members of religious minorities from societal attacks, including Christians, Ahmadis, and Shias.

Arrest and Detention

A First Information Report (FIR) is the legal basis for any arrest. Police may issue FIRs when complainants offer reasonable proof 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, if police show such detention is material to the investigation. In practice, however, authorities did not fully observe these limits on detention. Authorities frequently issued FIRs without supporting evidence to harass or intimidate, or they did not issue them when adequate evidence was provided unless the complainant paid a bribe. Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Police also detained relatives of wanted criminals to compel suspects to surrender.

Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Some women in detention were sexually abused. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates sometimes colluded through issuing new FIRs to continue detention beyond the 14-day period provided in the law.

Courts appointed attorneys for indigents only in capital cases. Individuals frequently had to pay bribes to see a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and usually could meet with citizens of their countries in prison visits.

The district coordination officer may order preventive detention for as long as 90 days and may extend the detention for an additional 90 days with court approval. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. In corruption cases, the National Accountability Bureau (NAB) may hold suspects indefinitely provided judicial concurrence is granted every 15 days.

The law stipulates detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for nonbailable 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 approximately 50 percent of the prison population was awaiting trial.

Until the parliamentary elections in February, the government used preventive detention, mass arrests, and excessive force to quell or prevent demonstrations, political rallies, or civil unrest. There were no reports that the government elected in February engaged in these practices.

Under the FCR in the FATA, political agents have the legal authority to impose collective punishment, preventively detain individuals as long as three years, and require "bonds" to prevent undesired activity. Human rights organizations expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property in the tribal areas and around the country, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in the FATA. Militant activity and the poor security situation, however, have undermined their ability to hold court. Militants in FATA increasingly imposed their version of Shari'a law in makeshift courts; their punishments included public beheadings, stonings, lashings, and fines. (See section 1.g.)

In theory the political agents and their representatives are to conduct hearings according to Islamic law and tribal custom. The usual penalties consisted of fines and prison terms of as long as 14 years. The accused have no right to legal representation or bail.

Political workers, and PPP members in particular, claimed to face increased police intimidation in the weeks after Benazir Bhutto was assassinated in December 2007. They alleged that police used the assassination as an excuse to enter homes without a warrant and file cases against hundreds of thousands of activists, following unrest that involved arson and looting.

On March 24, newly elected Prime Minister Gilani released former Supreme Court Chief Justice Chaudhry from house arrest. He was the last individual in custody from among the 6,000 individuals whom Musharraf's government arrested in November 2007 during the state of emergency.

According to the Aurat Foundation, approximately 66 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. With the enactment in 2006 of the Protection of Women (Criminal Laws Amendment) Act, more commonly known as the Women's Protection Act, women are not supposed to be arrested for rape under the Hudood Ordinance nor required to produce four witnesses to prove a charge of rape, as required under the zina laws (laws regarding extramarital sexual intercourse). The Women's Protection Act does not enable a woman to file a case for marital rape, however. After the passage of the Women's Protection Act, authorities released from prison 300 to 500 women due to the less harsh guidelines in the bill. In July 2007 the president promulgated the Law Reforms Ordinance, allowing women held under the Hudood Ordinance to be eligible for bail.

Special rules apply to cases brought by the NAB or before antiterrorism courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB did not prosecute 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.

Antiterrorism courts do not grant bail if the court has reasonable grounds to believe the accused is guilty. Security forces may, without needing court approval, restrict the activities of terrorism suspects, seize their assets, and detain them for as long as one year without charges.

In October 2007 then President Musharraf promulgated a National Reconciliation Ordinance (NRO) that provided a mechanism for amnesty for public office holders who were charged, but not convicted, in cases filed for political reasons between 1986 and 1999. The ordinance was challenged in court, and by year's end the appeal was pending in the Supreme Court and 23 cases against politicians and bureaucrats had been withdrawn.

In March the remaining five corruption court cases pending against Asif Ali Zardari were dropped in the country, and in August, Swiss court cases against him were also dropped, allegedly at the request of Pakistani authorities.

On May 13, the new government announced that it had imposed a moratorium on the death penalty, although the moratorium was not enforced in practice. HRW reported that the June death row population of more than 7,000 represented one-quarter of the convicts in the country. In March the HRCP noted there was "strong evidence" that the death penalty was applied without regard to due process.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; in practice, however, the judiciary was subject to executive branch influence at all levels. This influence was exacerbated in the wake of the 2007 state of emergency when the judges of the Supreme Court and the provincial high courts were dismissed and only allowed back on the bench if they swore a new oath on a Provisional Constitutional Order instituted during the state of emergency.

In June the newly elected government expanded the Supreme Court bench from 16 to 29 seats. By the end of the year, of the 13 Supreme Court justices that then President and Chief of Army Staff Musharraf dismissed in November 2007, the new government reinstated five under a new oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Chaudhry. Judges who remained off the bench

maintained that swearing a new oath would affirm the legality of Musharraf's dismissal of the Supreme Court and provincial high courts in November 2007. Abdul Hameed Dogar, who assumed the post of Chief Justice in November 2007 after Musharraf dismissed then Chief Justice Chaudhry, retained the leadership position on the Supreme Court at year's end.

Of the 30 deposed high court justices, 17 were reinstated under a fresh oath of office, and two were appointed to the Supreme Court. Three deposed justices retired or resigned by year's end, and eight remained off the bench. During the 2007 state of emergency, the government called for the creation of an Islamabad High Court, which the government established in February.

Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. These problems undermined the right to effective remedy and the right to a fair and public hearing.

There are several court systems with overlapping and sometimes competing jurisdictions: criminal; civil and personal status; terrorism; commercial; family; military; and Shariat. The Federal Shariat Court, according to Article 203 of the Constitution, can be used to examine and decide whether any law is repugnant to the injunctions of Islam. The passage of the Women's Protection Bill does not negate the possibility of Federal Shariat Court oversight in certain cases. The Federal Shariat Court could be used for any issue involving parts of the Hudood Ordinance not moved to the secular law provisions, including gambling, liquor possession and drinking, and fornication in the false promise of marriage.

In November 2007 then President and Chief of Army Staff Musharraf signed an ordinance amending the Army Act of 1952 so civilians could be tried in special military courts. In practice the ordinance has not been applied. HRW noted that according to the law, court proceedings are to be closed to the public, investigations are to be conducted by military officers, and trials are to be conducted without the standard rules of evidence and procedures for criminal trials. The former government claimed the amendment was designed to apply to terrorists. Many human rights organizations spoke out against the amendment, saying civilians would face unusually severe penalties for crimes ranging from "public mischief" and libel to murder.

An amendment to the 1973 Legal Practitioners and Bar Councils Act during the 2007 state of emergency affected the ability of lawyers to represent clients without political influence. The act curtails the independence of the bar associations by granting the government new powers to disbar lawyers involved in anti-government activities, according to HRW.

Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions

increased the government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels.

There were extensive case backlogs in both the lower and superior courts. As of November, the Sindh District and Sessions Courts had a backlog of 120,000 cases; as of September the Peshawar High Court had a backlog of 13,000 cases; and as of October 31, the Supreme Court had a backlog of 16,596 cases.

Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. In Pashtun areas, such councils were held under the outlines of the Pashtun Tribal Code. Under the 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.

The traditional settling of family feuds in tribal areas, particularly over murder cases, could involve giving daughters of the accused in marriage to the bereaved.

Many tribal councils instituted harsh punishments such as the death penalty or watta-satta marriages (exchange of brides between clans or tribes). Over the past few years, there has been a growing number of reports of militants running their own courts in several tribal agencies and in Swat, and dispensing quick justice with little due process or transparency in their deliberations.

The AHRC reported since 2002 more than 4,000 individuals, two-thirds of whom were women, have died by order of jirga courts in the country. Although the superior courts have declared these rulings illegal, AHRC reports that some of those involved in implementing jirgas sit in parliament.

Trial Procedures

The civil, criminal, and family court systems provide for open trial, 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, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. A case started over when an attorney changes.

The Anti-Terrorism 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 were to be decided within seven working days, but judges were free to extend the period as required. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts.

Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.

Courts routinely failed to protect the rights of religious minorities. Judges were pressured to take strong action against any perceived offense to Sunni orthodoxy. The judiciary rarely heard discrimination cases dealing with religious minorities.

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.

Original trial courts usually denied bail in blasphemy cases, claiming that since defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail was often not granted in advance of the trial. Lower courts frequently delayed decisions, were intimidated, and refused bail for fear of reprisal from extremist elements.

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 has ruled, however, that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, 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 it judges to be inconsistent with Islamic tenets, but such cases are appealed to the Shari'a bench of the Supreme Court and ultimately may be heard by the full Supreme Court.

The separate legal system in the FATA, the FCR, recognizes the doctrine of collective responsibility.

Tribal leaders were responsible for justice in the FATA. They conducted 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 oversaw proceedings and could impose prison terms of as long as 14 years. Under the FCR, FATA residents may appeal judgments within the civil bureaucracy. Some observers faulted the procedures for not allowing cases to be heard on appeal by the judiciary.

Human rights NGOs also expressed concern with the concept of collective responsibility, as authorities used it 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.

Reports of religious extremists and militants forming parallel administrations, including justice administrations, in FATA increased during the year. Public executions were the most visible manifestation of this trend.

The Provincially Administered Tribal Areas (PATA) of NWFP, which include the former princely states of Swat, Dir, and Chitral, fall under the jurisdiction of the Nizam-e-Adl Regulation, 1999, more commonly known as Shari'a Law. Under its provisions, judges, known as qazis, are assisted by religious scholars.

Azad Kashmir has a court system independent of the country's judiciary.

The Northern Areas also have a unique judicial system. ICG noted in a 2007 report that the judicial institutions of the Northern Areas are subservient to the will of the federally appointed chief executive given the special administrative structure of the region. Laws of the country are extended to the Northern Areas at the discretion of the Ministry for Kashmir and Northern Areas (KANA). The Northern Areas Chief Court does not have all the powers of a high court, but a Court of Appeals was established in 2005 following a 1999 Supreme Court ruling.

Political Prisoners and Detainees

Some political groups claimed their members were marked for arrest based on their political affiliation or beliefs.

According to Baloch nationalist political leaders and human rights organizations, military intelligence and security forces detained 1,000 to 1,500 Baloch political prisoners since the military operation began in the province in 2004. The exact number of prisoners was unavailable because many were held incommunicado. The government acknowledged that 1,100 of the disappeared were in its custody, and it was widely believed there were hundreds of Sindhi and Baloch nationalist leaders and activists among them (See section 1.b.).

On February 2, the AHRC reported that a provincial minister in Punjab allegedly ordered the assault, arrest, and detention of six student activists and teachers in Lahore. The activists were organizing a demonstration to celebrate the release of Aitzaz Ahsan, then president of the Supreme Court Bar Association. The police reportedly did not file charges against the minister or his subordinates, and the mayor allegedly defended the minister's actions.

On May 28, in Karachi, security officials in plain clothes rearrested Ghulam Mohammed Baloch, leader of the Baloch Nationalist Front, after he led a demonstration against the country's nuclear tests. According to press reports, police brought a preliminary case against him for the speech he gave in Karachi. He had previously disappeared in May 2006 and was reportedly tortured while in incommunicado detention. By year's end, authorities released Mohammed.

On February 23, authorities released Munir Mengal, who was detained for 22 months for his attempt to launch a Baloch satellite television station. By year's end, he had fled the country. In December he recounted to Reporters without Borders (RSF) that military intelligence personnel tortured him while he was held and that he was subjected to sleep deprivation.

On May 9, a Sindh antiterrorism court ordered the release of Baloch nationalist leader Sardar Akhtar Mengal. He was arrested in November 2006, days before his scheduled march across Balochistan to protest the August 2006 killing of Nawab Akbar Khan Bugti by military forces. In December 2006 a Karachi antiterrorism court charged Mengal for an alleged April 2006 kidnapping of two military intelligence personnel. The HRCP complained they were banned from attending Mengal's trial after they protested his confinement behind iron bars in the courtroom and his denial of access to his family.

Civil Judicial Procedures and Remedies

Persons may petition high courts to seek redress for human rights violations, and courts often take such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported civil courts seldom if ever issued official judgments in such cases, however, and most cases were settled out of court. Although 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 for persons. Police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases pursued under the Anti-Terrorism 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. These services included the ISI, the Intelligence Bureau, the police Special Branch, and Military Intelligence. Despite a Supreme Court order, credible reports indicated the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. They were also suspected of monitoring mobile phones and electronic correspondence.

In accordance with the Anti-Terrorism Act of 1997, the government banned the activities of and membership in several religious extremist and terrorist groups. Some of the banned groups changed their names and remained active, including: Jaish e Muhammad (new name: Tehrikul Furqan & Al Rehmat Trust); Tehrik e Ja'afria Pakistan (new name: Tehrik e Islami Pakistan); and Sipah e Sihaba Pakistan (new name: Millat e Islamia Pakistan). Lashkar e Taiba regrouped under the new name Jamaat ud-Dawa but was again

banned in December in response to its designation as a Foreign Terrorist Organization under UN Security Council resolution 1267. On August 25, the government labeled Tehrik-e-Taliban Pakistan (TTP) a terrorist organization and ordered the State Bank to freeze all the organization's accounts. The TTP is a militant umbrella organization formed in December 2007 by Baitullah Mehsud.

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriages 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, but the marriages of men who converted remained intact.

In some cases authorities detained relatives to force a family member who was the subject of an arrest warrant to surrender. NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the Frontier Crimes Regulation.

On November 24, police in Sindh detained eight women and four children to force one of their male relatives to surrender, according to the AHRC. A bench of the Sindh High Court adjourned a constitutional petition on the case on December 23.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year, security deteriorated throughout the country, as foreign al-Qaida, Afghan Taliban, TTP, and local extremist groups attacked civilians and security forces. The government responded by launching multiple military operations using aerial bombardment and ground troops, most notably in Swat in NWFP and Bajaur and Mohmand agencies in FATA. Independent observers estimated that there were approximately 1,150 civilian deaths due to military actions in NWFP and FATA. There were over 200 terrorist attacks, including more than 65 suicide bombings, which killed an estimated 970 civilians and security personnel.

Due to poor security, intimidation by security forces and militants, and the control that the government and security forces exercised over access by non-residents to FATA, human rights organizations and journalists found it difficult to report on abuses in military theaters.

Multiple sources reported that imprecise use of ground artillery and aerial bombardment by security forces resulted in extensive civilian casualties and collateral damage, both in FATA and in Swat. Militants imposed fines and carried out public beheadings, public displays of dead bodies, stonings, and lashings.

Approximately 700 persons were killed in Sunni-Shia sectarian violence in Kurram Agency of FATA, mostly between August and the conclusion of a peace accord on October 16, according to press reports. The HRCP noted that the bodies of some of those killed were dismembered and left by the road and that ambulances were targeted in the attack.

A low level insurgency also continued in Balochistan. According to NGOs and media reports, at least 800 militants, approximately 125 civilians, and 91 members of the security forces died as a result of the ongoing insurgency between the beginning of the year and late November. According to the AHRC, more than 100 individuals were killed in July and August alone and more than 20,000 were displaced. The last government-released official figures recorded the total number of deaths at 158 in 2006.

Killings

On May 29, the HRCP noted that a "large number of non-combatants have been targeted and killed by the security forces and so far, no inquiry or investigation has been carried out."

On September 23, the security forces fired on a crowd of civilians in Swat who had gathered to protest the killing of a woman and two children at the hands of the security forces earlier in the day. At least five civilians were killed.

Militants staged suicide attacks during the year in the FATA, NWFP, and the rest of the country. The highest profile attacks included the March 4 suicide bombing that killed 43 antimilitant tribal elders at a peace jirga in Darra Adam Khel in FATA; the August 21 bombing of an ordnance factory in Wah Cantonment in Punjab that left 60 dead; the September 20 bombing of the Marriott Hotel in Islamabad that killed 53; an October 2 suicide attack in Charsadda on ANP President Asfandyar Wali Khan that killed four individuals but left Khan unharmed; and an October 10 suicide attack on Ajingin in the tribal agency of Orakzai that killed more than 100.

Other attacks included a December 5 bomb blast in Peshawar that killed at least 22 individuals and wounded more than 90; the July 7 bombing in Islamabad that killed 18 policemen on the first anniversary of the Lal Masjid operation; the March 4 bombing at the Lahore naval academy, which killed eight; and the bombing of a train in Bahawalpur, southern Punjab, which killed six.

The security situation in the FATA and parts of NWFP deteriorated significantly. During the year, the TTP and their courts beheaded civilians and security officials. On April 28 a policeman was beheaded in South Waziristan for allegedly spying for security forces; on August 14 a government official was beheaded in Miranshah; on August 20 two alleged prostitutes taken from Peshawar were killed; and on September 8 two other alleged prostitutes were killed and their bodies were dumped near Peshawar.

Sectarian killings related to the conflict were most severe in Kurram Agency in FATA. The most prominent attacks included the June 19 beheading and mutilation of 11 truck drivers abducted while attempting to deliver relief supplies to Parachinar, which is majority Shia, and the August 19 TTP attack near the emergency ward of a hospital in Dera Ismail Khan in NWFP, killing 32 who were mourning the recent killing of a local Shia leader.

At year's end, the case of the September 2007 assassination of Maulana Hassan Jan, a prominent and well-respected Deobandi religious scholar who had declared suicide attacks "un-Islamic," remained open. Police arrested 13 suspects in September 2007, but there were no further developments in the case.

At year's end, three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization, were on trial for a 2006 suicide bombing attack on a Shia congregation marking the Ashura festival in Hangu. The bombing killed 29 individuals and injured more than 50.

The security situation in Balochistan remained unstable. Landmines in Balochistan killed civilians, including children, in Dera Bugti, Kohlu, Noshki, and Sui, among other areas of the province.

On March 30, security forces reportedly attacked Langu and Sagari with helicopter gunships and heavy artillery. Four women and 12 children died during the operation, according to press reports.

On April 5, military officers allegedly arrested four people in Dera Bugti district, according to the AHRC, which claimed the officers put four people in hot coal tar after failing to get a confession from the victims. Three reportedly died instantly and the fourth, Jaffer Khosa, died in custody seven days later.

On June 14, unidentified gunmen opened fire on a van in Quetta, killing seven soldiers, one police constable, and one passer-by. The gunmen also shot two policemen on a motorcycle. One later died, and the other was seriously injured. In September police arrested three persons in connection with the killing, including two alleged members of the Balochistan Liberation Army.

On August 25, in Turbat, Balochistan, Frontier Corps personnel allegedly killed a civilian, Altaf Buledi, when they fired on an unarmed crowd gathered to demonstrate on the second anniversary of the death of Nawab Akbar Bugti, according to Baloch Web sites. Among the injured were four journalists, two from shooting and two from tear gas burns.

At year's end there were no developments in the case of the December 2007 killing of Mir Balach Marri, the son of Baloch leader Nawab Khair Bux Marri. It was unknown whether he was killed in the country or in Afghanistan.

During the year, authorities did not conduct an official investigation into the 2006 death of Baloch nationalist leader Nawab Bugti, who was killed along with 35 followers and five military personnel. Media reported Bugti and his followers died in an air force bombing raid.

Abductions

Criminal groups, some with ties to militant groups, expanded extortion and kidnapping activities throughout the country. Diplomats, foreign nationals, religious minorities, and NGO workers were among those targeted.

The most prominent attacks included the November 13 abduction in Peshawar of Hashmatullah Attaarzadeh, the Iranian commercial attaché (not released at year's end); the November 11 kidnapping of Khadija Abdul Qahaar, a Canadian freelance journalist and Web site publisher, in Bannu district, NWFP (not released at year's end); the September 22 abduction in Peshawar of Abdul Khaliq Farahi, the Afghan ambassador designate to Pakistan (not released at year's end); the August 29 kidnapping of two Chinese engineers from Lower Dir in NWFP along with their guard and driver, for which TTP claimed responsibility (the guard and driver were released on September 15, one engineer escaped on October 17, and the other remained in captivity at year's end); the August 1 abduction of five Christians in South Waziristan (still missing at year's end); the June 21 abduction of 17 Christians in Peshawar by Lashkar-e-Islam (released on June 22); the February 11 abduction in Khyber Agency of Tariq Azizuddin, Pakistani ambassador to Afghanistan (released on May 16); and the January 4 abduction of five Christians in South Waziristan (released three days later).

On June 14, Jundallah, an Islamic militant group, claimed responsibility for the abduction of 16 Iranian guards at the border in southern Balochistan. Media reports indicated that the hostages were held in the country.

Other Conflict-related Abuses

After a bombing campaign began in Bajaur Agency in August, the government dropped leaflets urging the civilian population to flee the area. Civilians expressed dismay that the leaflets were dropped only after several days of aerial bombardment. Militants subsequently attempted to prevent civilians from leaving the area so they could be available as human shields, according to press reports.

Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution networks. In some areas, including Swat, security forces imposed curfews. Militants destroyed more than 150 girls' schools, particularly in Swat, and forced the closure of more than 200 barber shops and stores selling western CDs and videos in FATA and NWFP.

In response to a suicide bombing and ongoing Sunni-Shia violence in Dera Ismail Khan, the NWFP government on August 20 cancelled permission to hold political gatherings and religious ceremonies. These restrictions remained in place at year's end.

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. The government often impeded criticism, however, by monitoring political activity and controlling the media. A government ordinance to restrict the freedom of television and radio imposed during the 2007 state of emergency remained in effect, but the new government did not enforce it. Journalists and their families were arrested, beaten, and intimidated, leading many to practice self-censorship.

There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The few small privately owned wire services practiced self-censorship. The military had its own press wing, Inter Services Public Relations, as well as two sections to monitor the press. There were no newspapers published in the FATA. Owners of newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within Azad Kashmir. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas allowing them to work as journalists.

The government directly owned and controlled Pakistan Television and Pakistan Broadcasting Corporation, which ran radio stations throughout the country. Both reflected government views in news coverage.

The PPP government did not enforce restrictive amendments to the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance that the previous government promulgated. Offenses under the amended PEMRA ordinance include covering terrorists; propagating opinions that run counter to the ideology of the state; criticizing the head of state, members of the armed forces, or other key branches of government; and live coverage of violence or conflict.

Changes made by the former government that increased executive control over the print media remained in effect.

Private cable and satellite channels broadcast domestic news coverage and were critical of the government, despite some self-censorship. Independent television stations shut

down during the 2007 state of emergency were allowed back on the air after signing a "voluntary" code of conduct limiting what they could discuss on air. Geo TV initially refused to sign the code of conduct, and the government responded by blocking cable distribution of the channel until January 20.

PEMRA authorities banned private television channels from airing live coverage of the February 18 elections and broadcasting unconfirmed poll results, except those provided by the presiding officers. The media aired real-time results despite the ban.

In June PEMRA authorities reportedly restricted a popular program of Aaj-TV News in many parts of Sindh and Punjab when the program addressed the government's policy on the Kalabagh Dam.

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 the BBC and the Voice of America, were available.

The PEMRA ordinance did not extend to FATA or the PATA of NWFP. Independent radio stations were not allowed to broadcast in FATA, although militants and religious figures operated approximately 100 illegal stations.

As of December 23, there were 40 attacks against the media and journalists as of December 23, according to the NGO Intermedia. At least 13 journalists were killed and 40 abducted or arrested (only one arrest was reported after the PPP-led coalition took over the government). There were 118 cases of intimidation, and four attacks on media property. Approximately 89 journalists and media organizations had ongoing cases in court.

During the year media outlets, journalists, and journalists' families were the targets of attacks and intimidation by security forces, political parties, militants, and unidentified groups. Journalists were also abducted. Newspapers frequently criticized the government, political leaders, and military operations. Media outlets that did not self-censor were at times the targets of retribution.

On February 6, four policemen in Sialkot stopped and searched journalist Auon Sahi. During the interaction, police physically assaulted him; he filed an official complaint. District Police Officer Amin Wains reportedly suspended the four constables involved and ordered a departmental inquiry.

On February 9, unknown gunmen killed Dr. Abdus Samad, also known by his pen name, Dr. Chishti Mujahid, a columnist for Akbar-e-Jehan in Quetta, Balochistan. The Baloch Liberation Army later claimed responsibility and claimed the killing came in retaliation for Dr. Samad's sabotage of the Baloch independence movement.

On May 9, the Supreme Court in a suo moto action ordered Geo TV and Jang, the Urdu-language affiliated newspaper, to cease reporting on the restoration of the judiciary and ongoing court proceedings, according to the Committee to Protect Journalists (CPJ). The Supreme Court later withdrew the notice and asked the media to confirm their stories with the courts before making them public.

On May 22, Muhammad Ibrahim Khan, a reporter for privately owned Express TV and the Urdu newspaper Express, was killed as he returned from an interview in Bajaur with militant leader Maulvi Omar. Witnesses said the assailants took Khan's mobile phone, video footage of the interview, camera, and notes before shooting him.

On September 7, the local anchor of a religious affairs program on Geo TV, Amir Liaquat Hussain, declared that Islamic teachings necessitated the killing of members of the Ahmadi sect. Within days, two local Ahmadi leaders were killed in Sindh (See section 1.a.).

On November 8, security forces in Swat shot and killed Qari Muhammad Shoaib, a reporter for local newspaper Khabar Kar. A passenger in the vehicle Shoaib was driving said the security personnel shot without warning; the military claimed they fired warning shots.

On November 14, two journalists, one of whom was a Japanese national, were shot multiple times in Peshawar after returning from an interview with a Taliban commander in nearby Khyber Agency. Sami Yousafzai, an international correspondent, and Yatsukura Motoki, the Islamabad bureau chief for Asahi Shimbun, both survived the attack. At year's end, the police had not arrested any suspects.

By year's end, no arrests were made in the January 2007 killing of Makhdoom Hashmi, editor of Sindhi-language newspaper Daily Nijat. Hashmi was critical of many local feudal landlords and opposed their political practices. Before his death he claimed that he received threats and that provincial authorities had denied his requests for protection.

The political agent of Khyber Agency in the FATA detained 44 tribesmen in the agency under the collective punishment provision of the FCR for the January 2007 kidnapping of Sohail Qalandar, a Peshawar-based journalist with Daily Express, and his companion. The two were released after 50 days in captivity and told human rights observers they had been mistreated, malnourished, and drugged. The political agent subsequently released the tribesmen.

There were no developments in the case of Lal Malhi, a journalist who produced a documentary on disappearances in Balochistan and was threatened in March 2007 by security services. After local community members protested, police promised to charge the security officer but did not take action against the security officials.

In April 2007 militants in South Waziristan killed four family members of Din Muhammad, a reporter for the Urdu-language newspaper Inkishaf, and kidnapped three

others, according to RSF. During the year, Muhammad continued to be intimidated, and the government provided limited security and nominal financial compensation. Muhammad did not fully resume his work as a journalist.

By year's end authorities had not made any arrests in the May 2007 case in which two unidentified men assaulted and beat the editor in chief of the South Asia News Agency, Shakeel Ahmed Turabi, due to his coverage of the Supreme Court chief justice crisis in Islamabad.

No one was arrested during the year for the attack on the Aaj TV station and property in Karachi as the station broadcast violent demonstrations live in May 2007. The president of the Karachi Union of Journalists blamed the MQM, but MQM officials denied it.

There were no new developments in the case of Daily Mashriq correspondent Nasarullah Afridi, whose home local militants targeted with hand grenades in May 2007 for his reporting on militant activities in Khyber Agency. Local authorities intervened in the case on his behalf and negotiated a settlement.

By year's end, no arrests were made in the September 2007 case in which an unidentified man beat Turabi's 14-year-old son, Hassan Sharjil, in Islamabad. According to the CPJ, the man told Hassan, "We warned your father to stop writing lies, but he wouldn't listen. This will teach him a lesson."

Despite a Peshawar High Court Justice's call for a further probe, there were no developments in the investigation of the death of Hayatullah Khan, who was killed in June 2006 after his abduction in December 2005, or in the death of his widow, who was killed by a bomb in her home in November 2007.

Police did not identify a suspect in their investigation of the September 2006 murder of 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 Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. According to Intermedia, there were seven cases of crackdowns on radical publications during the year: three in Punjab, and two each in NWFP and Sindh.

Foreign books must pass government censors before being reprinted, but in practice there were no reports of book bans during the year. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

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

Internet Freedom

Although there were no reports that the government limited public access to the Internet, it attempted to control some extremist and Baloch Web sites based in the country. The International Telecommunication Union claimed there were more than 17.5 million Internet users in the country as of March, and service existed in nearly all of the country's urban and semi-urban areas.

Local sources reported that authorities continued to ban two Web sites that advocated independence for Balochistan: Balochvoice and Walochwarna.

On February 24, the Pakistan Telecommunication Authority (PTA) ordered Internet service providers to block the Web site YouTube, allegedly because of blasphemous content. This disabled the site around the world for a few hours, although the PTA claimed the problem abroad was due to a malfunction outside the country. Authorities lifted the block within the country on February 26.

On November 6, President Zardari issued the Prevention of Electronic Crimes Ordinance, stipulating that cyber terrorism resulting in a death would be punishable by the death penalty or life imprisonment.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom, but the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to limit academic freedom. On some university campuses in Karachi, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (affiliated with the II), 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 admissions to the universities, and sometimes influenced the use of institutional funds. 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.

On March 31, the Rangers assaulted Dr. Riaz Ahmed, Professor of Applied Chemistry at Karachi University, while they were posted at the institution following a clash between student groups. According to the HRCP, the Rangers blocked his departure from the campus and hit him with batons, leaving him with severe injuries. Authorities did not take action against the Rangers.

On April 22, the Baloch Liberation Army killed University of Balochistan Pro-Vice Chancellor Dr. Safdar Kayani, accusing him of being "Punjabi." The university and the

Bolan Medical College closed for a day to mourn his death. The atmosphere on campus remained uneasy during the year, but campus violence did not hinder academic activities. Seven student organizations at the university created a code of conduct for students to check political interference in the educational institutions of the province.

The Ministry of Culture operated the Central Film Censor Board, which previewed all foreign and domestic films before exhibit in the country. In practice, however, no movie was banned during the year.

There was no government interference on art exhibitions or other musical or cultural activities.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law.

Freedom of Assembly

Although the constitution provides for this right, in practice the government placed selective restrictions on the right to assemble. By law, district authorities can prevent gatherings of more than four people without police authorization. Separately, Ahmadis have been prohibited from holding conferences or gatherings since 1984.

Unlike in 2006, there were no reports the government permitted banned religious extremist organizations to hold rallies during the year.

Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists, and journalists.

On January 13, police used excessive force against peaceful civil society activists who were protesting the house arrest of retired Justice Rana Bhagwandas outside his residence in Karachi. According to the HRCP, male policemen behaved inappropriately with female demonstrators, charged male protestors with batons, and arrested eight activists.

On February 21, police used excessive force against a peaceful demonstration of lawyers outside the city court in Karachi, where they demanded the restoration of disposed judges, independence of the judiciary, and rule of law. According to the HRCP, the police and others in plain clothes fired tear gas on the lawyers, charged them with batons, and arrested nine, injuring five. There were no reports of an investigation.

On July 15, the Rangers disrupted a peaceful demonstration of Pakistan Telecommunication Company Limited (PTCL) workers outside their headquarters in Islamabad after PTCL workers locked their facilities around the country. The Rangers beat, tear-gassed, and charged demonstrators with batons. There were no reports of serious injuries.

Freedom of Association

The constitution provides for the right of association subject to restrictions by law. NGOs are required to register with the government. According to Freedom House, fewer than half of the approximately 100,000 NGOs in the country were registered. No prominent NGO reported problems with the government due to registrations during the year. Some continued to operate without registering and were not prosecuted.

The NGO community protested a voluntary code of conduct promulgated in early 2007 by the Ministry of Social Welfare and Special Education, according to Freedom House. The code gives the government powers to regulate NGO activity, change the groups' staff or management, and freeze the assets of organizations that do not comply. In practice, the code has not been enforced and has not impeded the work of NGOs.

Security was a problem for NGO workers due to the instability in FATA and NWFP and threats to organizations that promoted women's rights. Seven NGO workers had been killed by year's end, seven had been kidnapped but were later released, and scores more were threatened.

On February 25, gunmen killed four in an attack on the Mansehra, NWFP, office of Plan International, an NGO based in the United Kingdom. Authorities arrested three suspects, including a chief of a militant organization. They were brought before a court in March and kept under "protective custody."

In late April a female NGO worker in Swat was murdered and her corpse was desecrated.

c. Freedom of Religion

The constitution states that adequate provisions shall be made for minorities to profess and practice their religions freely, but the government limited freedom of religion in practice. Islam is the state religion, and the constitution requires that laws be consistent with Islam. According to the constitution, Shari'a can be applied to a situation deemed to be in contradiction to the Koran, and therefore citizens who are normally governed by secular law can be subject to Shari'a. Shari'a also was applied in some tribal areas. In the PATA of NWFP, religious advisors assisted judges. All citizens were subject to certain provisions of Shari'a and the blasphemy laws. Freedom of speech is constitutionally subject to "any reasonable restrictions imposed by law in the interest of the glory of Islam."

Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and at times police refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity. The constitution stipulates 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," the basis for the creation of the country.

Religious groups must be approved and registered; there were no reports 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 numbered more than two million, from engaging in any Muslim practices, including use of Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, using specific Islamic terms, 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. The Ahmadi community claimed that during the year, 31 Ahmadis faced criminal charges under religious laws or because of their faith. As of November, there had been four targeted killings of Ahmadis during the year, according to the AHRC.

The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad. The law provides for life imprisonment for desecrating the Koran and as long as 10 years in prison for insulting another's religious beliefs with the intent to offend religious feelings. The latter was used only against those who allegedly insulted the Prophet Muhammad. Groups such as the Khateme Nabuwwat Movement, which considered anyone who questioned the finality of Prophet Muhammad to be a heretic, were reported to insult Ahmadi beliefs, but authorities did not prosecute these cases.

On June 8, police charged all the residents of Rabwah in Punjab under anti-Ahmadi laws and arrested Muhammad Yunus. The basis for the police charges against the thousands of Rabwah residents, according to the FIR, included lighting fireworks and lamps and greeting each other, which the government considered to be preaching their faith, a crime by law. The case was pending at year's end.

In August communities near Multan warned Ahmadis in the area to close their places of worship. When they refused, the communities lodged a complaint with local police, alleging the Ahmadis were attempting to proselytize. Police ordered the "temporary closure" of Ahmadi centers in the area. They remained closed at year's end.

On September 10, the Multan bench of the Lahore High Court ruled that one of the men who allegedly abducted two Christian girls and subsequently married one of them be granted custody of her. According to Christian Solidarity Worldwide (CSW), on June 26 in Muzaffargarh district, Punjab, three men kidnapped 13-year-old Saba Masihto and Anila, her nine-year-old sister. CSW reported the men admitted to forcing the girls to convert to Islam before compelling Saba to marry one of them. The court granted the parents custody of Anila.

On October 9, Gulsher Masih and his daughter, Sandal Gulsher, were arrested after the father was accused of desecrating the Koran. Both remained in detention at year's end.

During the year, there were no developments in the January 2007 case in which an Intelligence Bureau district officer ordered the arrest of five Ahmadis, including two minors ages eight and 11, after a teacher discovered the minors carrying an Ahmadi children's magazine, Tashhizul Azhan. The case received wide press coverage, following which the charges were dropped. The case was re-filed in February 2007 against two adults.

There were no developments in the trial of the March 2007 case of a retired assistant sub-inspector who shot and killed a recent Ahmadi convert in a restaurant in Seerah, near Mandi Bahauddin in Punjab. The retired officer, Riaz Gondal, later surrendered to police and admitted to the killing, claiming the act was justified under Islamic apostasy laws. At year's end, he was incarcerated and the case was pending.

There were no developments in the case of Martha Bibi, a Christian who was arrested for blasphemy in January 2007 and released on bail in May 2007. She was accused of making derogatory remarks against the Koran, but she claimed the charges originated from Muslim contractors who did not want to pay for materials her husband had sold them.

There were no developments in the September 2006 blasphemy case of Shahid Masih, who was arrested for the theft and burning of a Koran in Faisalabad and granted bail in January 2007.

Complaints under the blasphemy laws were used in business or personal disputes to harass religious minorities or other Muslims, but most complaints were filed against the majority Sunni Muslim community. Many blasphemy complaints were lodged by Sunnis against fellow Sunnis. The appellate courts dismissed most blasphemy cases; the accused, however, 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 extremist religious groups. In 2005 the president 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. According to human rights and religious freedom groups, however, this process was not effective because senior police officers did not have the resources to review the cases. In 2007 courts convicted two individuals and acquitted two others under the blasphemy laws; 71 cases were ongoing at the end of the year.

On November 4, the court acquitted Christian doctor Robin Sardar of blasphemy charges. Sardar was arrested in May, and after his release Sardar went into hiding fearing for his life and remained in hiding at year's end, according to the Commission for Peace and Human Development.

There were no legal 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. Religious minority groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land.

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

Societal Abuses and Discrimination

Sectarian violence between Sunni and Shia extremists continued during the year. Shias, Christians, and Ahmadis were also the targets of religious violence across the country.

According to the National Commission for Justice and Peace (NCJP), one church, one Hindu temple, and five Ahmadi mosques were attacked and damaged in different parts of the country during the year; four of the seven attacks took place in the province of Punjab.

In the same period, the NCJP reported 53 Ahmadis and 93 Christians faced trials or were in prison on charges of desecrating the Koran.

Human rights lawyer and chairman of the NGO Legal Aid for Destitute and Settlement Parvez Aslam Chaudhry was forced to travel with police security during the year, following an attack on him in January 2006 for his work defending blasphemy cases. Although Punjabi authorities filed a case against an unknown assailant in 2007, no arrests were made during the year.

The NCJP noted that abductions and forced conversions of girls were on the rise. They reported in July that since 2006, nearly 51 Hindu and 27 Christian girls had been abducted and forced to convert to Islam.

The Hindu community continued to face harassment and demands for bribes from security forces. The All Sindh Hindu Panchayat and the Pakistan Hindu Panchayat reported that more than 20 Hindu girls were allegedly taken and forced to convert to Islam during the year. Some of the girls allegedly feigned conversion to gain their release, and officials recovered others; seven of the girls remained missing at year's end. Authorities argued that the law prohibits the girls' return to non-Muslim families following their conversion to Islam. Although the families alleged the affidavits and conversions were fraudulent, the authorities did not return the released girls to their families.

On February 26, Archbishop Lawrence Saldanha, president of the Catholic Bishops' Conference of Lahore, said nearly 500 Christian families had received or faced threats and that their lives and faith were challenged by extremist groups in 2007. He claimed the incidence of kidnapped Christian girls was rising.

There were no arrests in the November 2006 attack on a Jamaat-Khaana (place of worship) in the Ismaili community in Chitral.

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. The Ahmadis claimed that police generally were present during these marches.

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

Shia, Christian, Hindu, and Ahmadi communities faced discrimination and societal violence. The government removed religiously sensitive material from new textbooks on religious differences and on how to worship. Other religions can opt out of these readings and read the more generic "Book of Ethics."

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; the government, however, limited these rights in practice. The government required foreigners to have special permits to enter certain restricted areas, including FATA, Balochistan, and parts of NWFP, due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir.

The law prohibits travel to Israel, although the law was not enforced in practice. Government employees and students must obtain NOCs 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. At year's end, there were approximately 636 names on the Exit Control List (ECL). According to human rights lawyers, the number of persons on the ECL dropped sharply after the Lahore High Court took notice of the list in May. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior 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 to the courts for removal of their names. On August 28, Rehman Malik, the Advisor on Interior Affairs, announced that the government removed Baloch political leaders from the ECL.

The law prohibits forced exile and no case of forced exile was reported during the year.

Internally Displaced Persons (IDPs)

During the year, the number of IDPs fluctuated due to military action and sectarian violence in the NWFP and the FATA and floods in NWFP and Punjab. The UN High Commission for Refugees (UNHCR) estimated that military operations in Bajaur alone generated approximately 190,000 IDPs and an estimated 90,000 in Swat by September. At year's end, approximately 200,000 IDPs remained displaced from FATA and NWFP. Many IDPs from Swat and Bajaur were taken in by friends and relatives, which complicated the counting efforts. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

In the districts surrounding Bajaur, the government, supported by UNHCR and other organizations, provided temporary food and shelter for the IDPs in 11 camps and worked with international organizations and NGOs to supplement government-provided assistance. IDPs complained of the poor hygiene in the camps.

Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir entered the country. The law entitles Kashmiris to the same rights as full citizens.

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, but in practice, the government in most cases provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The country is a member of UNHCR's governing Executive Committee and cooperated with UNHCR in protecting, assisting, and repatriating Afghan refugees.

Since 1979 the government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the government-run National Database and Registration Authority, approximately 2.15 million registered Afghan refugees remained in the country at year's end, and 3.4 million had been repatriated since 2002. The government continued to work closely with the UNHCR to provide support to this population. During the year, approximately 272,000 refugees took advantage of UNHCR assistance to repatriate.

According to UNHCR, there are more than 80 Afghan refugee camps in the country, including 71 in NWFP, 12 in Balochistan, and one in Punjab.

In addition to internal displacement that resulted from the military operation in Bajaur starting in August, more than 20,000 residents fled into neighboring Kunar province in Afghanistan.

In October the government ordered illegal Afghan refugees resident in Bajaur to return to Afghanistan and began deporting refugees who did not return voluntarily and arresting those who returned to Pakistan. Beginning in October, Pakistani security forces reported that hundreds of militants were crossing periodically from Afghanistan into the country to attack.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees. 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.

Although refugees did not have access to courts, the government provided access to basic health and education services, especially for Afghan refugees. UNHCR recognized 478 non-Afghan refugees in the country. Every refugee who registered with both the UNHCR and the government-run Commissionerate for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse, including trafficking.

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

The law provides the majority of its citizens with the right to change their government, and the country held national and provincial elections during the year that brought opposition parties to power. The Federally Administered Northern Areas, FATA, and Azad Kashmir were subject to unique systems. The president retained the power to dissolve parliament, a power Musharraf arrogated to the presidency and codified in constitutional article 58(2)b.

The residents of the Federally Administered Northern Areas, which include Gilgit and Baltistan, did not have representation in the national parliament. An appointed civil servant administered these areas, and an elected Northern Areas Legislative Council served in an advisory capacity without legislative power. The government administers the Northern Areas under the Legal Framework Order of 1994. According to the ICG, this administrative instrument is used to strengthen federal control over the region while denying its residents basic political and civil rights.

Residents of the FATA are overrepresented in national parliament but do not have a voice in federal decision-making over the tribal areas, an authority that belongs to the president. Tribal residents did not have the right to change their local government, as unelected civil bureaucrats nominally run the tribal agencies. The Elected Councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. The Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Some political parties asserted that this rule was void, since religious-based parties such as Jamiat

Ulema-e-Islam (JUI) and Jamaat-e-Islami (JI) openly campaigned in the FATA despite the law.

Azad Kashmir is subject to its own constitution, which allows for a legislative assembly and a prime minister but prohibits parties and candidates from contesting elections if they do not support Kashmir's accession to the country, according to a 2006 HRW report. Despite nominal representation for Azad Kashmir, the federal government in fact controls significant decision-making in the area, according to HRW's report. Under the Kashmiri constitution, authority over 52 critical policy areas is ceded to the Azad Kashmir Council in Islamabad, whose composition favors the federal government numerically. The federal government also can dismiss arbitrarily the elected Kashmiri legislative assembly.

Elections and Political Participation

On February 18, the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Prime Minister Yousuf Gilani. The elections were postponed multiple times, the last of which was due to the assassination of PPP leader Benazir Bhutto in December 2007. In the September 6 indirect presidential election, Asif Ali Zardari, widower of Bhutto, became president succeeding Pervez Musharraf, who had resigned on August 18. The PPP and its coalition partners took control of the executive and legislative branches of the national government and three of the four provincial assemblies. PML-N took control of the Punjab provincial assembly. PML-N, originally the PPP's largest partner in the national government, withdrew from the coalition on August 25 ostensibly due to PML-N's insistence that judges deposed during the 2007 state of emergency be reinstated to their original positions.

International and domestic observers found the February parliamentary election to be competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process. The government permitted all existing political parties to contest the elections. The largest political parties participated. Pakistan Tehreek-e-Insaaf (PTI), some Baloch parties, and several parties from the Muttahida Majlis-e-Amal (MMA) coalition were among those that staged a boycott.

The government required voters to indicate their religion when registering to vote. The Ahmadi community boycotted the elections, according to the European Union Election Observation Mission, because they were required to register on a separate voter roll.

The network of civil society organizations known as the Free and Fair Election Network (FAFEN) documented intimidation of voters and political parties by security services and local landowners throughout the country prior to the election. In particular, their observers noted that police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did not allow rallies for opposition parties and pressured individuals to vote for PML-Q. FAFEN also documented cases in which intelligence services pressured candidates to withdraw.

On election day, some voters were disenfranchised or were subject to intimidation. Women were barred from voting in four polling stations in NWFP and FATA and one in Sindh Province and were discouraged in others. The turnout of women was depressed throughout the country, even at female polling stations.

The ECP reportedly accredited approximately 25,000 domestic observers, the majority of whom were from FAFEN. The European Union and Democracy International were among the organizations that fielded international observation teams. In September for the first time, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency.

The Ministry of Interior issued restrictions on political rallies beyond what already existed in the electoral code of conduct, in the wake of suicide bombings against Benazir Bhutto and other high-profile leaders.

The International Foundation for Electoral Systems (IFES) noted that formal adjudication of challenges related to disputed election results was weak, and that the high courts did not meet the statutorily prescribed deadlines for adjudication of challenges in the majority of cases brought before them.

Petitions filed in the Lahore High Court Election Tribunal separately challenged the eligibility of PML-N leaders Nawaz Sharif to run for the National Assembly and Shahbaz Sharif to run for the Punjab Provincial Assembly. The Lahore High Court Election Tribunal ruled that Shahbaz could serve as chief minister of Punjab province and asked the Supreme Court to intervene in the challenge against Nawaz, which was based on his 2000 conviction for corruption and hijacking, charges that disqualified him from running for parliamentary office. At year's end, both cases were pending in the Supreme Court.

There were 60 seats in the National Assembly reserved for women, and an additional 16 women won directly elected seats in the 342-seat National Assembly. There were five women in the federal cabinet. For the first time in the country's history, the National Assembly elected a female speaker, Dr. Fahmida Mirza. There were 128 reserved seats for women of the 758 seats in provincial assemblies and one-third of the seats were reserved in local councils. Provincial chief ministers named women to serve in their cabinets. In some districts social and religious conservatives prevented women from becoming candidates.

There were 10 religious minority members in reserved seats in the National Assembly and one served in the cabinet as the Federal Minister for Minorities. Such seats were apportioned to parties based on the percentage of seats each wins in the assembly. Under the law, minorities held 23 reserved seats in the provincial assemblies: eight in Punjab; nine in Sindh; three in NWFP; and three in Balochistan.

Government Corruption and Transparency

The law imposes criminal penalties for official corruption; the government did not implement the law effectively in practice, however, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread.

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

The Worldwide Governance Indicators of the World Bank reflected corruption was a severe problem.

On September 19, for the first time, the newly elected government appointed the leader of the political opposition as Chairman of the National Accounts Committee, which oversees federal spending.

In October 2007 the government promulgated the NRO, which provided a mechanism for withdrawing cases against former public office holders who had been charged in politically motivated cases, but the ordinance prohibited those convicted of corruption by the NAB from holding public office for 10 years. The NRO was challenged both in the Supreme Court and the Sindh High Court. The government maintained the NRO was promulgated to promote national harmony and political reconciliation among all political parties. According to the ordinance, no legislator could be arrested by law enforcement organizations, and if charges against a legislator were brought, a parliamentary committee would determine the validity of the charges before the case could proceed or be dismissed. Civil society activists and political observers viewed this measure as creating another privileged class. At the end of 2007 the Supreme Court had not ruled on challenges to the NRO.

The NAB stopped disproportionately targeting opposition politicians for prosecution following the return of the Anti-Crime and Economic Wings of the NAB in April to the Federal Investigation Agency (FIA), which reports to the Ministry of Interior. Musharraf transferred them from the FIA to the NAB in 2002. The NAB did not prosecute active duty members of the military.

The Freedom of Information Ordinance restricts the information to which citizens may have access.

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 of the new administration were cooperative but only somewhat responsive to the groups' views.

The government sought NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported they generally had good access to police stations and prisons.

The HRCP investigated human rights abuses and sponsored discussions on human rights issues during the year. In November the HRCP reported that NGOs were subject to militant threats, particularly in Peshawar.

The government permitted international non-governmental human rights observers to visit the country and generally cooperated with international governmental human rights organizations. The ICRC and many agencies of the UN had offices in the country, including UNHCR, UNICEF, and UNDP.

On November 3, the government created the Ministry of Human Rights. Once part of the Ministry of Law and Justice, the new ministry became a distinct federal agency.

The Senate and National Assembly Standing Committees on Law, Justice, and Human Rights held hearings on a range of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful fora to raise public awareness of such issues, but their final actions generally adhered to government policy, and the committees did not have the resources to do more than perform broad oversight. The Parliamentarians' Commission for Human Rights, an inter-party caucus of parliamentarians, lobbied effectively for reform in key areas.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution 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

Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in a case in which a marriage between the perpetrator and victim was contracted but not solemnized. Although rape was frequent, prosecutions were rare. Estimates were that victims reported fewer than 10 percent of rape cases to the police due to social norms and the fear of repercussions. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance.

The Women's Protection Act of 2006 brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. Previously, under the rape provision of the Hudood Ordinance, a woman was compelled to produce four male witnesses to corroborate her charge. Under the new law, police are not allowed to arrest or hold a woman overnight at

a police station without civil court judge consent. In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases. Women's rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced.

The punishment for rape ranges from 10 to 25 years in prison and a fine at a minimum, or the death penalty at a maximum. The penalty for gang rape is either death or life imprisonment, but sentences were often much lower.

There were no reliable national statistics on rape, due to the serious underreporting of the problem. Local observers noted that rape was among the most taboo human rights violations in the country.

Police were at times implicated in rape cases. Police often abused or threatened victims and demanded they drop charges, especially when the accused had bribed police. Police demanded bribes from some victims prior to registering rape charges, and investigations were often superficial. NGOs reported that some police stations stopped recording rape complaints. Medical personnel did not have sufficient forensics training, which further complicated prosecutions.

In early March Taslim Solangi, a 17 year-old girl, was allegedly the victim of an honor killing ordered by a jirga. According to the AHRC, she was attacked by dogs and then killed by her in-laws. On December 23, President Zardari appointed an inquiry officer in the case.

On March 15, according to the NGO War against Rape, five men gang-raped a newly wed 19-year-old woman at the Mazar-e-Quaid's mausoleum in Karachi for 36 hours, allegedly after drugging her and holding her at gunpoint. In April a DNA test on one of the suspects, Syed Khadim Hussein, was positive. The three suspects in the case were in prison at year's end and contesting the case. On November 22, a court rejected their bail plea.

On May 26, two men in Gowalmandi, Lahore, raped a seven-year-old girl, according to the Inquiry Commission on Human Rights Abuses. A prosecution case against two men, one of whom was her uncle, was ongoing at year's end.

On August 24, a group of men kidnapped, raped, and killed a 13-year-old schoolgirl in Rawalpindi. Authorities began an investigation but made no arrests by year's end.

On September 10, authorities suspended the chief investigating officer and ordered a higher level inquiry into the case of Samia, a woman whom multiple men kidnapped and raped in Mandi Bahauddin, Punjab. The attackers severely burned her with acid before killing her. The police did not initiate an official investigation despite the family's request.

After the rapists issued death threats to her family, however, police provided them protection.

Police made no arrests in the January 2007 case of the 17-year-old girl whom four men gang raped in Shadara Town, Lahore, in Punjab.

An antiterrorism court in Hyderabad did not render an indictment by year's end in the January 2007 case of then 16-year-old Nasima Labano. As punishment for her male cousin being seen with a woman of another tribe, she was gang-raped by at least eight men and forced to walk without clothes through Habib Labano, her village in Sindh. She became pregnant as a result of the rapes. Despite initial resistance, police arrested six suspects in March 2007 and two more in July 2007. The family was forced to leave Habib Labano due to security concerns.

During the year, there were no developments in the Supreme Court case brought against the men involved in the 2002 gang rape of Mukhtar Mai. In 2005 the Supreme Court ordered that the five whose original conviction the Lahore High Court overturned be rearrested and held without bail. During the year, Mai was living in her village in Punjab with police protection, and the 13 men allegedly involved in the gang rape were in prison.

There were no developments in the 2005 rape case of Shazia Khalid at the Sui gas field in Balochistan. Baloch nationalists claimed that Frontier Corps personnel raped her; the government claimed DNA evidence indicated otherwise. A tribal jirga condemned Khalid to death for dishonoring the tribe. She and her husband left the country in 2005; human rights organizations alleged they did so under pressure from the government.

Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Other forms of domestic violence included torture and shaving. In-laws abused and harassed married women. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

There is no specific legislation prohibiting domestic violence, but sections of the Penal Code can be used to invoke justice for the victim. The National Commission on the Status of Women, a government body, advocated the passage of domestic violence legislation.

According to a June HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands and nearly 50 percent of wives in most developed urban areas admitted that their husbands beat them. By November there were 21 reported cases of "stove deaths," incidents in which women are doused in kerosene and set on fire. According to the Progressive Women's Association, many incidents were unreported.

Women who try to report abuse face serious challenges. In the absence of domestic violence law, abusers may be charged with assault, but the abused rarely filed cases. Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging

the parties to reconcile. Abused women usually were 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 hesitant to report abuse for fear of dishonoring the family.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. There were approximately 70 district-run shelter homes and approximately 250 facilities operating as ad hoc emergency shelters for women in distress, including female police stations and homes run by the provincial Social Welfare departments. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training.

In some cases at the government-run shelters, women were abused. There were five non-governmental shelters, one each in Islamabad, Lahore, and Multan, and two in Karachi.

There were no developments in the February 2007 case of the man who set his 21-year-old wife on fire in Rawalpindi with assistance from his two brothers. In late 2007 police arrested the man near Rawalpindi along with one brother on charges of murder; the second brother reportedly fled to Dubai. At year's end the case was pending in Rawalpindi District Court. According to the Progressive Women's Association, the family of the victim was socially pressured to withdraw the charges in exchange for blood money, but they refused.

Honor killings and mutilations occurred throughout the country during the year. Some men were also subject to honor killings, though women represent the majority of victims. Statistics on honor crimes were unreliable due to underreporting, but there were 476 killings of women reported between January and May.

A 2005 law that established penalties for honor killings. Human rights groups criticized the legislation because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges, a law known as "qisas" and "diyat." Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

In July perpetrators shot two teenage girls and three women in Baba Kot, Balochistan, and buried them in a ditch. The teenage girls reportedly wanted to choose their husbands and the adult women were accused of protecting them. The case prompted media controversy and condemnation by politicians and human rights groups after a Baloch parliamentarian, Senator Israrullah Zehri, defended this method of honor killing as a "centuries-old tradition" and the government two months later elevated him to Federal Minister of Postal Services. Police did not file an FIR in the case and were accused of silencing it due to the influence of a provincial minister, whose brother was allegedly among the perpetrators, a charge the minister denied. The federal government and the provincial government initiated an investigation, and police arrested four of the seven suspects. The alleged mastermind, Aktar Umrani, was arrested on November 30 in Kandhkot, Sindh. The Balochistan High Court ordered the case registered, an inquiry was

completed by mid October, and authorities arrested the remaining suspects. The female parliamentarian who raised attention to the case in the National Assembly received death threats.

There were no developments in the November 2006 killing of Mohammad Ayub Mahar's three daughters and his daughter-in-law, Safia Mahar, in Abdoo village in Shikarpur District for allegedly having illicit affairs with other men.

Despite bans on the handing over women as compensation for crimes committed by rival tribes (also known as "vani" or "swara"), the practice continued in Punjab and NWFP.

Parliament outlawed forced marriages in February 2007, but implementation of the law remained a problem.

The World Bank released a study in February 2007 indicating that approximately one-third of marriages in rural areas were "watta satta," exchange marriages in which men marry each other's sisters, a practice that carries with it a mutual threat of retaliation. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, "women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes." Human rights groups such as the HRCP criticized the practice, however, noting that "these marriages treat women as a commodity, and tension within one household also affects the other."

In rural Sindh, landowning families continued the practice of "Koranic marriages" 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 older than 14. These women were expected to stay in the home and not maintain contact with anyone outside of their family.

Prostitution is illegal. Most prostitutes were victims of domestic or international trafficking and were held against their will. Police generally ignored the activity if they received bribes. Police raided brothels during the year but many continued to operate underground, particularly in larger cities.

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

The law prohibits discrimination on the basis of sex, but in practice this provision was not enforced. Women faced discrimination in family law, property law, and the judicial system.

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 often were left with no means of support and their families ostracized them. Although it is 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 one-half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. In practice, 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.

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

Children

The government made some progress during the year in defending children's rights and welfare through its laws and programs, but problems remained. Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. The Society for the Protection of the Rights of the Child (SPARC) reported children as young as 12 were arrested under the Anti-Terrorism Act. Children convicted under this act are subject to the death penalty.

Local laws do not mandate free public education, and schools generally charge tuition. Although some provincial governments such as Punjab's passed laws requiring free public education, 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 madrassas. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitored child abuse reported 1,417 cases by the end of November, down from 2,650 in 2007. Seventy percent of child abuse cases involved female victims. Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined

children illegally, kept them in unhealthy conditions, and physically or sexually abused them.

The legal age of marriage is 18 for males and 16 for females. Despite laws barring child marriages, there was evidence it occurred. In March, the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage.

On May 30, a jirga in Chach, Sindh, ordered that 15 girls from the Chakrani tribe, ages three to 10, be given away in "vanni," which meant they would be married to a rival tribe to settle an old dispute. As of June the Chakrani tribe had not handed them over and the matter was resolved.

The Edhi Welfare Trust (EWT) claimed to rescue approximately 30 infants each month from dumpsters in Karachi and elsewhere in the country and to recover the dead bodies of about four times as many infants. They reported that since 1970, they have recovered 68,000 dead infants in garbage dumps. Of the infants abandoned or killed, 98 percent are girls, according to EWT.

There were no known limits on child IDPs' access to government services, though some civil society organizations demanded improvement in these services.

Trafficking and commercial sexual exploitation of children were problems. According to Sahil, an NGO that focuses on child sexual exploitation, children were generally prostituted through the involvement of a third party rather than prostituting themselves as a means of survival.

There were reports in 2007 that religious militants forcibly recruited child soldiers. The BBC reported that pro-Taliban militants kidnapped children as young as 11 and 12 in Tank and Dir and trained them as suicide bombers. In March 2007 police and Taliban militants clashed in Tank after officials at a boys' high school resisted militants' efforts to recruit students from the school. According to press reports, the militants later kidnapped the principal, whom they suspected of alerting the police, and attacked Tank. The ensuing clash reportedly left 25 militants and one paramilitary officer dead.

SPARC estimated that more than 100,000 children lived on the streets in urban areas in 2007. Many were runaways from the interior of Punjab and Sindh provinces or were Afghan refugees.

Trafficking in Persons

The law prohibits domestic and international trafficking in persons; there were reports, however that persons were trafficked to, from, and within the country.

The country was a significant source, transit, and destination country for trafficked persons, and internal trafficking was a serious problem reportedly involving thousands of women and children. Men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. The country was also a destination for women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, and Central Asia for commercial sexual exploitation and forced labor. Women from Bangladesh, Sri Lanka, Nepal, and Burma were trafficked through Pakistan to the Gulf.

Maximum penalties for trafficking ranged from seven to 14 years' imprisonment plus fines. The Federal Investigation Agency's (FIA) anti-trafficking unit 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.

Authorities registered approximately 1,300 human smuggling cases during the year. This figure included trafficking cases, because the FIA did not distinguish between trafficking and human smuggling. By the end of the year, authorities discovered and detained nearly 5,000 individuals attempting to travel on fraudulent exit permits or traveling through illegal routes. The FIA's human trafficking cell estimated that 7,000 to 8,000 people attempted to leave the country via trafficking rings, on forged or fraudulent documents.

Through November the FIA arrested 183 agents involved in false attempts to send smuggled individuals abroad. The FIA also issued a "red book" including the names and addresses of the smuggling agents whom the police had not captured. Although journalists and officials had access to the red book, the general public did not.

The government, in cooperation with UNICEF and the United Arab Emirates, worked to repatriate and rehabilitate children used as camel jockeys. An estimated 700 children were repatriated through these efforts since 2005. The FIA facilitated payment of compensatory damages from the UAE.

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 the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but 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. In 2007 authorities reportedly prosecuted government officers and arrested FIA inspectors for facilitating trafficking.

In 2005 the central government opened one model shelter in Islamabad specifically for trafficking victims. The government provided temporary residence status to foreign trafficking victims.

Foreign victims, particularly Bangladeshis, faced difficulties in being repatriated to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination upon their repatriation.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law provides for equality of the rights of persons with disabilities. There are employment quotas at both federal and provincial levels, which require public and private organizations to reserve at least two percent of their jobs for qualified persons with disabilities. In practice, however, this right is only partially protected due to lack of adequate enforcement mechanisms.

The government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the majority of individuals with physical and mental disabilities. In some cases, however, criminals forced these individuals into begging and took much of the proceeds.

Organizations that refuse to hire persons with disabilities can choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as some 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 persons with disabilities.

When the King Edward Medical College refused to treat a disabled person on the grounds that the college did not have facilities for persons with disabilities, Punjab Chief Minister Shahbaz Sharif ordered on December 7 that the child be admitted to the college and that the provincial government cover the treatment costs.

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

Systematic discrimination against national, ethnic, and racial minorities is widely acknowledged privately, but insufficient data exist for clear and accurate reporting on these forms of discrimination.

Other Societal Abuses and Discrimination

Homosexual intercourse is a criminal offense; in practice, however, the government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation.

According to the government's National Aids Control Program (NACP), there was no observed discrimination based on HIV/AIDS status observed in the government service. Societal attitudes toward HIV-positive individuals are changing slowly, but social discrimination lingers.

The NACP reported there were approximately 90,000 HIV-positive individuals in the country, and approximately 50 percent of those lived in Sindh Province. The report stated that "entrenched age-old social attitudes, practices, and stereotyping, which often lead to violence against women, coupled with unequal access to economic resources, are hampering progress toward dealing with the spread of HIV/AIDS."

In cooperation with donors and the UN, the government established the NACP, which managed a campaign to educate its citizens about AIDS. NACP held rallies and public campaigns, and spoke in mosques about birth control and AIDS awareness.

Section 6 Worker Rights

On November 19, the parliament repealed the previous labor law, the Industrial Relations Ordinance of 2002 (IRO), and enacted the Industrial Relations Act of 2008 (IRA), which allows labor unions. Labor groups were concerned that workers were not adequately consulted in the drafting of the legislation.

a. The Right of Association

The constitution protects the right of association, and the law selectively allows workers to form and join independent unions of their choice without prior authorization. In practice, the law adopted in November was too new to judge enforcement, and the prior law was unevenly enforced during the year.

Through November the 2002 IRO denied the right of association for many sectors of the workforce, including civil servants; security and watch officers in transportation, energy, and shipping; oil and gas industries, post, press, and telecommunications; firefighting; education and medical institutions; nonprofit organizations; and all supervisory and managerial personnel. The government had wide power to restrict associational rights of any category of workers, administratively refuse or cancel a union's registration, and exclude or disqualify a union office bearer from holding further office.

Since November, the 2008 IRA provides the right of association for some private and public sector workers, although it does not apply to many of those previously excluded under the IRO.

The IRA significantly limits the membership of workers in trade unions of their choice by complex definitions of who qualifies for membership. This results in a bias toward small, disaggregated worker organizations. Under the IRA, trade unions have the right to join any federation or confederation of their choice.

Under the 2002 IRO, sectors excluded from the right to strike included those not allowed to associate, as well as workers in electricity generation and transmission, state-owned airlines and ports. The IRO significantly limited the manner in which workers could strike, and the government had arbitrary authority to end any strike. Authorities could also classify union actions as “terrorist acts.” The government prohibited all strikes by public utility services under the IRO. The IRO prohibited employers from seeking retribution against leaders of a legal strike and stipulated fines for offenders. The law did not protect leaders of illegal strikes. Whether workers could conduct sympathy strikes or strike on political grounds was legally ambiguous.

The IRA is similarly expansive in limiting the rights of workers to strike but is silent on the rights of workers to conduct sympathy strikes.

The Essential Services (Maintenance) Act of 1952 (ESMA) has been invoked to limit or ban strikes by public sector workers and to curtail collective bargaining rights. It applies to government services and state enterprises, such as energy production, power generation and transmission, airlines, and ports. The ESMA contains legally required conciliation proceedings and mandatory cooling-off periods, which effectively constrain the right to strike, as does the government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The government may also under ESMA ban, without recourse for workers, a strike that has continued for 30 days.

According to NGOs and trade union experts, the total workforce during the year was 50.8 million. The government assessed that 4 percent of the total estimated workforce was unionized, a figure that workers' groups said underestimated total worker participation. Unions did not represent the majority of workers in the informal sector, who accounted for 70 percent of the total labor force.

There were no reported incidents of the government dissolving a union without due process.

The 2006 ban by the Sindh Registrar of Trade Unions on the Karachi Shipyard and Engineering Works remained in place. Union representatives challenged the ban's legality in the Sindh High Court in August 2007. The case was abandoned during the year.

b. The Right to Organize and Bargain Collectively

Collective bargaining for some sectors is protected by law; in practice, the law adopted in November was too new to judge enforcement, and the prior law was unevenly enforced during the year.

Sectors exempt from the 2002 IRO included those denied the right of association listed above. Sectors exempt from the 2008 IRA include security forces, Pakistan Security Printing Corporation, fire services, and oil installations. The IRA prohibits employers from retaliating against workers for union activity, and any employer found to have

engaged in serious violations was liable for fines but not imprisonment. The ESMA was often invoked to limit or ban strikes or curtail collective bargaining rights in certain sectors.

In the rest of the economy, the government allowed unions to conduct their activities without interference, except for employees within the Export Processing Zones (EPZs). The more than 15,000 employees working in the country's 12 EPZs are prohibited from joining unions, bargaining collectively, or striking under the ESMA. The EPZ Authority is empowered to draft labor laws within the EPZs, but no such laws have been drafted.

The 2002 IRO required the government to determine every six months whether collective bargaining was to be allowed. In cases in which collective bargaining was prohibited, special tripartite provincial wage boards decided wage levels. Unions generally were dissatisfied with the boards' findings. The National Industrial Relations Commission (NIRC) adjudicated disputes. Public sector workers were not allowed to appeal to the NIRC.

The International Trade Union Confederation (ITUC) reported that employers disqualify workers from union membership by promoting them to nominal managerial status. Management regularly resorts to intimidation, dismissal, and blacklisting to prevent unionization. For example, in September, Unilever dismissed all but five of 292 temporary workers at its Rahim Yar Khan factory in Punjab when the union announced it would help the workers achieve permanent status.

The ITUC reported in March that brick kiln bonded laborers attempted to organize in seven districts of Punjab province. The largest gathering was in Lahore, with nearly 5,000 attending the event. The Pakistan Bhatta (brick kiln) Workers Union requested a protest permit, but local authorities banned the demonstration.

c. Prohibition of Forced or Compulsory Labor

The law prohibits slavery and all forms of forced labor, including bonded and child labor; in practice, however, the government did not enforce these prohibitions effectively and there were numerous instances in which these practices occurred.

The law outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts.

The Ministry of Labor, Manpower and Overseas Pakistanis at the federal level and labor officials in the provinces are responsible for enforcement of the Bonded Labour System (Abolition) Act of 1992 (BLSA), which banned bonded labor. The HRCP noted that the implementation of the act required review. The National Commission on Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers worked in conjunction with the International Labour Organization (ILO) to implement the National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers.

NGOs SPARC and SHARP reported that approximately two 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 Freedom House report from January noted that bonded laborers sometimes sell their organs, particularly their kidneys, to escape servitude. According to the UN's Integrated Regional Information Networks (IRIN), the Sindh Institute of Urology and Transplantation conducted a survey in Punjab released in July 2007 noting that 93 percent of kidney vendors needed the money to repay debts and 69 percent of vendors were bonded laborers. There were continued reports of kidney sales after the introduction of the Human Organs and Tissues Transplant Ordinance, which banned the practice in September 2007.

A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus.

Bonded laborers often were unable to determine when their debts were fully paid. Those who escaped frequently 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 violators bribed the police to secure their release. 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 the problem.

On July 15, police in Dim village, Sanghar district, recovered 58 bonded laborers, including men, women, and children, from the farm of a Sindhi landlord, Ali Ghulam Marri. Some of the laborers were attempting to work off three decades of debt. Police registered the cases, but made no arrests, instead allowing the landlord to negotiate a legally binding agreement with the leader of the laborers whereby workers would continue working until they paid off the debt. This followed a week after police recovered 21 bonded laborers in the same district from landlord Haji Hussain Keerio.

In January 2007 the Lahore High Court in Rawalpindi freed 21 former bonded laborers, including women and children. They had been held captive in a bonded labor camp in Rawalpindi. Police registered the case against the owner of the brick kiln, Malik Yaqub, but he fled. There was no evidence of developments in this case during the year.

There was no evidence of developments in the February 2007 case in which the Lahore High Court in Rawalpindi recovered 40 bonded laborers, including women, children, and elderly persons, from a brick kiln in Loi Bhair, near Rawalpindi.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem.

The law makes bonded labor by children punishable by up to five years in prison and up to 50,000 rupees (approximately \$635) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag picking, port areas, fireworks, and other hazardous occupations, and regulates their work conditions under the law. The government has identified four occupations and 34 processes considered illegal for children, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. No child is allowed to work overtime or at night and should be guaranteed one day off per week. In addition, the law requires employers to keep a register of children working for them, for examination by labor inspectors. These prohibitions and regulations do not apply to family businesses or government schools. The law protects all children under age 18 from exploitation, and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law.

Enforcement was a serious problem. According to HRCP and SPARC, there were 10 to 11.5 million child laborers, many of them in agriculture and domestic work. The media reported that approximately 70 percent of non-agricultural child labor took place in small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities employing fewer than 10 persons. The Ministry of Labor, Manpower and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. Authorities say violations are immediately cited and prosecuted, but tacitly agree enforcement efforts are not adequate to meet the scale of the problem. Inspectors also have little training, insufficient resources, and susceptibility to corruption. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

The law allows fines of up to 20,200 rupees (\$256) for violations of child labor laws. Authorities often did not impose penalties on violators during the year, and when they did the penalties were not a significant deterrent. Although law enforcement authorities obtained hundreds of convictions for violations of child labor laws, the fines the courts levied ranged from an average of 364 rupees (\$5) in the NWFP to an average of 7,344 rupees (\$93) in Balochistan.

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

e. Acceptable Conditions of Work

In March, the government raised the fixed minimum wage per month from 4,000 (\$51) to 6,000 rupees (\$76). 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 and fell short of the Pakistan Workers' Federation demand for a minimum wage of 12,000 rupees (\$152) per month. Significant parts of the workforce, such as those in the informal sector, domestics, and migrant workers, were not covered.

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. Additional benefits required under 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 workers' welfare fund.

The ITUC reported that the government made unilateral changes to the law in 2007, increasing hours of work, weakening worker protection, and creating a classification of "contract worker" ineligible for overtime pay. Criminal law requires police authorization for gatherings of more than four individuals, including union activities.

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. According to the ITUC, labor inspectors have exempted certain employers from inspection in the provinces of Sindh and Punjab. Many workers remained unaware of their rights.