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## 2009 Human Rights Report: Pakistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Pakistan is a federal republic with a population of approximately 176 million. In 2008 civilian democratic rule was restored in the country through elections that international observers deemed competitive and reflective of the people's will. Asif Ali Zardari, the widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became president and head of state on September 6, 2008. Yousuf Gilani is the prime minister and head of government. The PPP and its federal coalition partners control the executive and legislative branches of the national government and three of the four provincial assemblies.

On March 16, in the wake of large-scale demonstrations by the "Lawyers Movement" and pressure from the opposition Pakistan Muslim League-Nawaz (PML-N) party, Prime Minister Gilani reinstated Iftikhar Chaudhry as Chief Justice of the Supreme Court as well as 10 other judges then President Pervez Musharraf had removed from office in November 2007. On July 31, the Supreme Court declared unconstitutional the November 2007 emergency and provisional constitutional order. On December 16, the Supreme Court declared the National Reconciliation Ordinance (NRO) void, reopening all the cases against its beneficiaries. . The ordinance had allowed officials accused of corruption to return to the government. The Supreme Court's ruling invalidated the ordinance (thereby allowing corruption cases to resume). At year's end, a debate continued about the fate of beneficiaries, including the president, ministers, and parliamentarians. Security forces often acted independently of civilian authority.

Although the civilian government took some positive steps, the overall human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. Collective punishment was a problem, particularly in the Federally Administered Tribal Areas (FATA), which fall under the legal framework of the Frontier Crimes Regulation (FCR). Lengthy trial delays and failures to discipline and prosecute those responsible for abuses 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. Rape, domestic violence, sexual harassment, 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 lack of respect for worker rights remained concerns.

Militants launched a spring offensive in the North-West Frontier Province (NWFP), briefly occupying territory 60 miles north of the capital. Military operations to repel the militants from Malakand Division and parts of the FATA displaced approximately three million people at the peak of the crisis. By July, families from Malakand Division began to return; by year's end, approximately 1.66 million had returned to their home areas. On August 12, the Human Rights Commission of Pakistan (HRCP) released a report stating that both the government security forces and insurgents had committed human rights violations, including extrajudicial killings, during the conflict in Malakand.

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During the year, military operations in the FATA and the NWFP killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the ongoing low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs). At year's end there were an estimated 1.2 million IDPs in the NWFP and FATA.

## 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 by independent actors continued during the year, as did arbitrary or unlawful killings of civilians in conflict (see section 1.g.).

Some targeted killings of individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. During the year the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 72 civilian deaths after encounters with police and 168 deaths in jails, an increase from the previous year. The police stated that these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Although the government investigated, and sometimes convicted, police officials for extrajudicial killings, lengthy trial delays and failures to discipline and consistently prosecute those responsible for abuses contributed to a culture of impunity.

On September 15, according to the *New York Times*, after two days of police questioning, Robert Fanish, a Christian detained on blasphemy charges, was found dead in his cell in a jail in Sialkot. Police stated that Fanish hanged himself, using a strip of material ripped from his clothing. The Joint Action Committee for People's Rights, an alliance of more than 30 human rights groups, stated that it had talked to witnesses who saw marks of torture on his body. Activists staged numerous demonstrations across the country, and on September 17, the chief minister of Punjab Province ordered an inquiry into the death. At year's end the inquiry was pending.

The HRCP, the *New York Times*, and several local publications reported that security forces allegedly committed 300 to 400 extrajudicial killings during counterinsurgency operations in the NWFP and Swat. On August 12, after completing a three-day fact-finding mission to Malakand Division, the HRCP released a report documenting accounts of extrajudicial killings by security forces and reports of mass graves in the conflict region.

According to *Dawn* and *The News*, 251 corpses had been found in Swat by September 1. It was uncertain from where these media organizations obtained their data. According to the HRCP report, Swat residents reported sighting mass

graves in the area, including at least one in Kookarai village in Babozai tehsil (administrative division) of Swat district and another in an area between Dewlai and Shah Dheri in Kabal tehsil. According to the report, witnesses who saw mass burials said that at least in some cases the bodies appeared to be those of Taliban militants. The HRCP acknowledged that the unconfirmed graves could have contained the remains of Taliban militants or of civilians killed in conflict operations.

According to *Dawn Media* and local television stations, in early August the corpses of individuals who had been extrajudicially killed began appearing in Swat, NWFP. Responsible parties have not been identified. According to *Dawn*, on August 24, residents found 15 bodies in a town east of Mingora, and on August 15 residents discovered 18 more bodies in different parts of Swat. The *New York Times* reported that on September 1, a group of soldiers arrested Akhtar Ali in his electrical shop in Mingora. Family members went to army headquarters the day after his arrest and authorities assured them that Ali would be released. The family filed a petition stating that on September 5, security forces dropped Ali's body on their doorstep. According to his family, "there was no place on his body not tortured."

On August 12, the HRCP issued a report and statement, noting: "Human rights violations by security forces can only be discouraged if the State puts in place a transparent mechanism to monitor violations both during and post-conflict and fulfills its obligation of providing justice through due process." By year's end the government had not taken steps to investigate or hold persons accountable for the killings.

There were no updates concerning the following 2008 deaths: the January death in custody of Allah Bakhsh in Khanewal, Punjab; the February deaths in custody of Irfan Khan and John Masih; the May torture of Rafique Masih by Jafar Husain in a Lahore police station; the August police torture of Falak Sher in Sheikhpura, Punjab; or the June death in custody of Idris Ahmad.

There were no developments regarding the 2008 case in which prison guards reportedly shot and killed three inmates during riots at Karachi's Malir District Jail, with a fourth inmate reportedly killed by a blunt object. At year's end there were no developments in the 2007 case of death in custody of Ali Nawaz in Karachi.

At year's end the case of the 2007 death of Supreme Court Additional Registrar Syed Hammad Raza remained open.

At year's end the case of alleged torture of Malik Zaheer in 2007 was pending in Lahore High Court. Initial investigations while he was on trial for murder indicated Zaheer died of natural causes. A 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. At year's end the government had not arrested or indicted anyone in the case.

The inquiry into the death of Arif Bhinder, the Punjab assistant advocate general who was killed in Lahore in 2007, was in its final stages at year's end in the Lahore Anti-Terrorism Court. Authorities arrested six individuals related to the case, including two for abetment.

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

On April 3, assailants killed Baloch National Movement (BNM) President Ghulam Muhammad Baloch, Sher Muhammad Baloch, and Lala Munir Baloch of the Baloch Republican Party (BRP) in Turbat. According to the Asia Human Rights Commission (AHRC), 12 persons dressed in civilian clothing attacked the three BNM leaders following a court session in

Terbat district. Their lawyer, Kachkol Ali, informed local police that military intelligence (and Inter Service Intelligence (ISI) personnel were responsible for the attack. Police refused to file a First Information Report (FIR). According to the AHRC report, the bodies of the three men were found on April 8 in Pikrak.

According to a July 8 HRCP report, approximately 100 political workers were killed in Karachi during the first half of the year as a result of interparty clashes. Many of the workers belonged to the Mohajir Qaumi Movement (MQM-Haqiqi), the Muttahida Qaumi Movement (MQM), the PPP, and the Awami National Party (ANP). According to the HRCP, 938 persons were killed in Karachi from January to June during incidents of political and ethnic violence, gang wars, targeted killings, police encounters, personal enmity, honor killings, and other cases. The interior minister reported that there were 256 victims of targeted killings in Karachi since July.

On August 23, in Uthal, Balochistan, assailants abducted Central Joint Secretary of the BNM Rasool Bakhsh Mengal. According to the AHRC, the BNM and other nationalist groups suspected that armed Frontier Constabulary or intelligence officials abducted Mengal and tortured him in military cells. His body was found hanging from a tree in Bela on August 31 with signs of apparent torture, including cigarette burns and words carved into his skin. His death sparked violence in Khuzdar and Makshay.

The elected civilian government remained the target of attacks, especially the coalition partner ANP in the NWFP. On February 11, a remote-control bomb attack in Peshawar killed Alamzeb Khan, an ANP member of the provincial assembly (MPA), and injured seven others. On March 11, two suicide bombers attempted to assassinate Bashir Bilour, a senior ANP leader and senior minister in the NWFP government; he survived, but the attack killed four persons. On December 1, a suicide bomb blast in Swat killed ANP MPA Shamsher Ali Khan and injured 11 others. Terrorists also targeted dozens of ANP activists across the NWFP for assassination.

By year's end the Sindh High Court trial was ongoing for those arrested in connection with the deaths of more than 40 political activists during demonstrations in 2007 that were planned to coincide with the arrival of then suspended Chief Justice Iftikhar Chaudhry.

There were no further updates regarding the 2007 arrest of three persons in connection with the 2007 suicide bombing that killed 11 police officers and eight civilians in Islamabad.

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 2007.

By year's end there were no suspects in custody for the 2007 assassination of Benazir Bhutto. In July 2008 the UN agreed in principle to a government request to initiate an investigation into the attack, which also killed at least 30 of her supporters and police. Scotland Yard assisted local officials in their investigation in January 2008 but did not explore who perpetrated the attack. In July a three-member UN inquiry team headed by Chile's ambassador to the UN, Heraldo Munoz, began an inquiry into the case and visited the country. The team, mandated to "submit its report identifying facts and circumstances" of the incident, was scheduled to submit its report on December 31. In November the team requested and was granted a three-month extension to complete the inquiry.

The government did not take further steps to investigate the 2007 killing of seven persons at a political rally in Karal Chowk held by Nawaz Sharif, leader of the PML-N.

By year's end the Supreme Court had not ruled on the legality of the 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 reported during the year. The HRCP reported that through August sectarian violence killed 215 persons and injured 573. Examples of these cases include the following:

On July 31 and August 1, Muslim mobs, reportedly inspired by supporters of the banned Sipah-e-Sahba Pakistan sectarian extremist organization, attacked the Christian communities living in Gojra and Korian localities, near Toba Tek Singh, Punjab, following allegations that local Christians had desecrated the Holy Koran. The mob killed eight Christians and burned nearly 100 houses as police failed to stop the violence. The National Assembly adopted a unanimous resolution condemning the Gojra killings, and the Punjab minorities affairs minister registered a legal complaint against the participants. At year's end police had arrested 42 individuals in connection with the Gojra incident, of whom 34 were released on bail and eight remained in custody at Toba Tek Singh. In the Korian case, police arrested 54 individuals, of whom 43 were released on bail and 11 remained in jail. The provincial government initiated a program to construct new houses for members of the Christian community who lost their homes in the violence. The reconstruction program was ongoing at year's end.

By year's end authorities had not taken further action to investigate the following 2008 cases: the April beating death of Jagdish Kumar, the May killing of Adeel Masih, or the June bombing at a Shia mosque in Dera Ismail Khan, NWFP.

By year's end the government had not taken steps to address the September 2008 killings of Dr. Abdul Mannan Siddiqui and Seth Muhammad Yousuf, two Ahmadi leaders in Sindh. In September 2008 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 his position.

#### b. Disappearance

During the year politically motivated disappearances continued, and police and security forces held prisoners incommunicado and refused to disclose their location. SHARP reported that security forces were holding hundreds of individuals incommunicado. On August 21, Federal Minister of Interior Rehman Malik informed the media that approximately 1,291 individuals were missing in the country. According to the interior minister, a joint investigative team had been established to probe the issue. Some disappearances were related to terrorism and national security, and human rights organizations reported many Sindhi and Baloch nationalists were among the missing. According to Amnesty International, children also disappeared with their relatives.

Disappearances of the Baloch people remained a problem during the year, with Baloch political groups demanding greater political and human rights. In December the Balochistan home department issued a list of 992 persons from the province who had been missing for several years. The HRCP reported 30 new cases of "forced disappearances" from Balochistan during the year, as illustrated in the following examples:

According to the HRCP, on February 6, security forces arrested Jaleel Rakei, a member of the BRP, during a raid on his house in Sariab Kechi Beg. He remained missing at year's end.

On August 1, according to the AHRC, the Frontier Corps (FC) arrested Balochistan National Party members Lateef Baloch

and Javed Baloch in Khuzdar. On August 3, FC officers turned them over to police. Both men showed evidence of having been tortured. Authorities reportedly forced them to make false confessions before their release.

According to the HRCP, on August 21, armed personnel of a law enforcement agency allegedly abducted Saadullah Baloch (alias M. Sadiq) in Khuzdar. Personnel at a nearby army checkpoint, upon being informed of the abduction, stated that Saad had been arrested for questioning but would soon be released. At year's end he remained missing.

Then president and chief of army staff Musharraf's decision in 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 whom various security agencies held incommunicado. In November the Supreme Court resumed hearings of the missing persons' cases, after 15 families comprising 38 persons set up camp outside the court building in Islamabad. The Supreme Court directed the Interior Ministry to furnish complete details of missing nationals and observed that law enforcement agencies made no serious effort to trace the whereabouts of missing persons. Defense for Human Right Pakistan (DHRPK) reported that since the transition to a civilian-led government, some persons newly reported as disappeared were traced to a jail within an average of three months and formally charged with a crime. Family members and attorneys have access to the prisoners in these cases. DHRPK also reported 104 new cases of disappearances from January to July.

On November 26, the Anti-Terrorism Court Rawalpindi No. 2 referred the cases of Osama bin Waheed alias Hadayat Ullah, a resident of Bhakar, and Zeeshan Jalil alias Khizar, a resident of Karachi, to district and sessions judge for their trial by an ordinary court. Wahid and Jalil had been allegedly disappeared from Karachi in 2008.

Both Waheed Kambarani and Sherdil Khan, who were seized at a restaurant in Khuzdar, Balochistan, in 2007 and held in an unknown location for a month, remained incarcerated at year's end. The details of the charges against them remained unavailable.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in anti-terrorism courts. During the year the NGO SHARP reported 2,300 cases of torture by police, most of which occurred in Punjab. Observers noted that underreporting of torture was prevalent in the NWFP and Balochistan. 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 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 October 6, a 10-minute video was posted on the social networking site Facebook showing army members interrogating and beating several detained civilians, some of them elderly. According to the BBC, although the date and location of the

video could not be determined, conversations in the video suggest it was between June and October in Swat. Army officers kicked suspects and beat them with belts, fists, and small whips. Later, the officer in the video threatened to sever the hands and feet of one of the suspects. An army spokesman declined to comment on the video, and there was no indication the government investigated the alleged incident.

On July 9, Human Rights Watch (HRW) asked the British government to probe reports of complicity of British agencies with Pakistani counterparts in using violence against terrorism suspects in Pakistan.

By year's end the government had not taken steps to prosecute Sub Inspector Shujat Ali Malhi and other police officers responsible for the March 2008 alleged torture and rape of an unnamed 17-year-old girl in Faisalabad.

There were no developments regarding the August 2008 case of Agha Mahboob Ahmed, who was arrested on suspicion of involvement in a bank robbery and allegedly tortured at the Hyderabad Criminal Investigation Agency center.

There were no updates regarding the 2007 arrest of Hazoor Buksh Malik or the 2007 gang rape of a woman by Lahore police officers at a vehicle checkpoint.

There were no developments in the case of Mubarik Ali, who was arrested in 2007 after he submitted a complaint about a local police official. While he was in custody, police reportedly beat him, causing serious injury. After the case garnered media attention, police investigated and suspended three police personnel. The accused personnel disappeared in August, and Ali's family alleged the police allowed them to escape.

#### 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, more than 95,000 prisoners occupied 72 jails originally built to hold approximately 36,000 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. According to a November Global Foundation report on prisoners, 197 prisoners suffered from HIV/AIDS in prisons across Punjab, including 30 in the Central Adiala Jail. It stated that there were 55 HIV/AIDS patients in prisons across Sindh, including 21 in the Larkana jail and 34 in the Karachi Central Jail.

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.

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 2008. The inquiry revealed that prisoners who did not pay bribes were brutalized. According to the Geo TV Web site, Adiala Jail held more than 5,000 prisoners, but the jail has a capacity of 1,994. Adiala Prison held some female prisoners whose children were living with them; there was no separate arrangement for the children. During the year the chief justice of the Supreme Court and the interior minister visited the

Adiala Prison unannounced and ordered improvements in the jail's living conditions. In October on the directives of the chief justice, all the judges of district courts visited Adiala Prison. They released 42 charged with minor crimes.

In October the *Daily Times* reported that after the imposition of national judicial policy, authorities released 1,000 prisoners. The Punjab Home Department conducted medical tests of 32,464 prisoners in 29 prisons across the province on the directives of Chief Justice Chaudhry when he visited prisons across the country.

There were various reports of prison riots during the year. *The News* quoted jail officials who stated that more than 20 riots had occurred during the year in Sindh. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities.

At year's end the Sindh attorney general had not followed up on his commitment to initiate an investigation into the October 2008 police abuse of prisoners in Hyderabad Central Jail following a prisoner riot over lack of basic facilities and alleged 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.

Prison officials kept juvenile offenders in the same facilities as adults but in separate barracks. Police often did not segregate detainees from convicted criminals. Prisoners with mental illness 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 authorities to allow independent visits to prisons throughout the country, but this understanding was only partially honored. The ICRC had access to the Peshawar Central Prison, where it initiated a water-sanitation improvement project. ICRC visits were not permitted to some detention sites in the NWFP and Balochistan. The ICRC suspended prison visits in Punjab in 2008, as its inspectors were not provided access to prisoners detained on certain security-related charges. Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and female 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 (mayors) write the district police officer annual performance evaluation reports, which guide 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, multiple law enforcement entities operate in the 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 tribal leaders 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 to avenge personal grievances. Critics charged that the appointment of station house officers had 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 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.

As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels. The Karachi city government reportedly gave facilities to the city's human rights officers for training. During the year at least two NGOs (Sahil and SHARP) trained police. In Punjab and the NWFP, public safety commissions continued to function poorly due to their vague mandate, according to SHARP, 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 the NWFP and Balochistan, inadequate staffing undermined their effectiveness. The ICG also reported these committees were subject to political influence.

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

#### Arrest Procedures and Treatment While in Detention

A First Information Report (FIR) is the legal basis for any arrest. Police may initiate 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 authorities did not observe fully these limits on detention. Authorities frequently issued FIRs without supporting

evidence to harass or intimidate detainees, or 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 individuals to compel suspects to surrender.

Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. 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 the law provides.

Courts appointed attorneys for indigents only in capital cases. Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually 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 allegedly 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. During the year the NAB rarely exercised this power.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood Ordinances 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 or the community, or upon payment of bribes. In many cases trials did not start until approximately 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 with which they were charged. SHARP estimated that approximately 55 percent of the prison population was awaiting trial.

Between March 10 and 12, security forces arrested approximately 400 members of the PML-N to prevent protesters from participating in a march and sit-in in support of the restoration to office of Iftikhar Mohammad Chaudhry, the Supreme Court chief justice, who was fired by then president and chief of army staff Musharraf in 2007. On the evening of March 14 and the morning of March 15, authorities restricted the movement of Nawaz Sharif, Aitzaz Ahsan, and several other political leaders, ostensibly for their own protection, but did not enforce the restrictions when the political leaders chose to ignore them on the afternoon of March 15. According to HRW, the Punjab and Sindh provincial governments imposed Section 144 of the Criminal Procedure Code, banning gatherings of four or more persons. Human rights organizations, including HRW, strongly criticized the arrests and restrictions on gatherings. Authorities released the detained PML-N workers after the prime minister announced on the evening of March 15 an end to Section 144 throughout the country and the release of all political prisoners.

Under the FCR in the FATA, political agents have legal authority to impose collective punishment, preventively detain individuals for as long as three years, and require "bonds" to prevent undesired activity. Authorities cited collective responsibility 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 and conduct hearings according to Islamic law and tribal custom. Ongoing military operations, militant activity, and the poor security situation have undermined their ability to hold

court. 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. Militants in FATA and briefly in Swat imposed their version of Shari'a law in makeshift courts; their punishments included public beheadings, stonings, lashings, and fines (see section 1.g.).

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. The NAB did not prosecute serving members of the military or judiciary. During the year the government removed NAB's authority to prosecute politicians on new charges.

Accountability courts may not grant bail; the NAB chairman has sole power to decide whether and when to release detainees. **Accountability courts** were established under the NAB Ordinance 1999 to consider corruption cases. Twenty-one **accountability courts** work under the administrative and operational control of high courts and independently of NAB. 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.

On December 16, the Supreme Court declared null and void the 2007 NRO, which then president Musharraf promulgated. The bill provided a mechanism for amnesty for public office holders who were charged, but not convicted, in cases filed between 1986 and 1999.

In May 2008 the government announced it had imposed a moratorium on the death penalty, although the moratorium was not enforced in practice. In March 2008 the HRCP had noted there was "strong evidence" that the death penalty was applied without regard to due process, and SHARP reported that there were an estimated 7,000 inmates on death row. In August President Zardari issued a decree making "Internet crimes" punishable by execution or life imprisonment if they caused the death of a person; the decree raised the total number of capital offenses to 28.

On July 9, authorities arrested Joseph Francis, national director of the Center for Legal Aid Assistance and Settlement (CLAAS), and denied him bail after he traveled to London while on bail in a forced conversion case. According to the Christian Study Center, authorities detained Francis for more than a week before releasing him.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; in practice, the judiciary was subject to external influences, such as street protests, at the local level. In nonpolitical cases, the media and the public generally considered the high courts and Supreme Court credible. In March in the wake of large-scale demonstrations from the Lawyers Movement and pressure from the opposition PML-N party, Prime Minister Gilani reinstated Iftikhar Chaudhry as Supreme Court Chief Justice. Gilani also reinstated 10 other judges to the Supreme Court and provincial High Courts. In doing so the prime minister restored all judges ousted by then president Musharraf in 2007 who had not yet reached retirement age. Chief Justice Chaudhry forced the resignation of all Supreme and High Court judges who had taken oath under Musharraf's Provisional Constitutional Order in 2007. The newly restored superior judiciary is independent of executive branch influence but appears to be politicized in favor of the opposition based on its rulings in high-profile cases.

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, is an appellate court that can examine and decide whether any law is repugnant to the teachings of Islam. The passage of the Women's Protection Act does not negate the possibility of the Federal Shariat Court hearing appeals in certain cases. The Federal Shariat Court could hear appeals of cases 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.

The National Assembly's failure before a Supreme Court-imposed deadline to approve amendments to the Army Act of 1952, allowing civilians to be tried in military court, nullified these amendments. The National Assembly's failure to approve before a Supreme Court deadline amendments to the 1973 Legal Practitioners and Bar Councils Act that were seen as curtailing the independence of bar associations nullified these amendments. Both sets of amendments had been approved through orders of former president Musharraf during the 2007 state of emergency and were nullified as of November 28. Neither was invoked prior to nullification.

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. According to a 2009 report published by the Law and Justice Commission of Pakistan on National Judicial Policy there were 138,945 cases pending at the superior judiciary and 1,565,926 pending with the lower courts or subordinate judiciary.

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 those involving murder, could result in 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 briefly in Swat and dispensing quick justice with little due process or transparency in their deliberations.

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

On February 15, the National Assembly endorsed a controversial peace deal with the Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (TNSM) in the Malakand Division. Under the deal the government instituted changes in the judicial system for the Malakand Division largely designed to bring about swift justice, in exchange for a TNSM guarantee to end militant activity in the division. Many feared that the TNSM would exercise control over the appointment of judges for the new

courts known as Qazis, although the government denied repeatedly that this would be the case. Before judicial appointments could occur, the militants violated the peace deal, expanding their activities into a larger geographic area of Malakand Division. In response the government declared the peace deal broken, and in April it launched military operations to drive out militants and reassert its control over the region. The government did not repeal the new swift justice system in the Malakand Division but did appoint well-respected judges to the new courts without consultation with the TNSM or any other extremist groups.

Militants in the Malakand Division enforced their own brand of Islamic justice until the start of the military operation in April. In March a video was released on national and international media outlets showing militants flogging a teenage girl in Swat. According to press reports, militants flogged the girl as punishment for being seen in a public bazaar with a man who was not her husband. In response a spokesman for the militants defended their right to flog women shoppers who were inappropriately dressed, saying it was permitted under Islamic law. The video's release was instrumental in building national support against militants in the Malakand Division.

#### Trial Procedures

The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Defendants have the right to be present and to consult with an attorney. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in session and appellate courts. Defendants can confront or question witnesses against them and present witnesses/evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. 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 starts over when an attorney changes.

The Anti-Terrorism Act allows the government to use special streamlined courts to try persons charged with 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. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts. Human rights activists criticized the 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 because defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail often was not granted in advance of the trial. Lower courts frequently delayed decisions, experienced intimidation, 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 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 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 expressed concern about the concept of collective responsibility, as authorities used it as a pretense 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.

Religious extremists and militants maintained parallel administrations, including justice administrations, in parts of FATA and Malakand Division under their control during the year. The militants' justice administrations administered public punishments including floggings and executions.

The Provincially Administered Tribal Areas (PATA) of the NWFP, which include parts of the former princely states of Swat, Dir, and Chitral, fall under Shari'a law. Under its provisions, judges, known as qazis, are assisted by religious scholars. On February 15, the government extended this provision to the entire Malakand Division.

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

Gilgit-Baltistan (formerly known as the Northern Areas) also has a separate judicial system. The Gilgit-Baltistan Self Governance Order 2009 instituted a separate judiciary, legislature, and election commission for the region. Formerly, laws of the country were extended to the Gilgit-Baltistan at the discretion of the Ministry for Kashmir and Gilgit-Baltistan. The Gilgit-Baltistan Chief Court did not have all the powers of a high court.

#### 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. In 2008 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.).

Authorities did not take steps to hold persons accountable for the February 2008 assault, arrest, and detention of six

student activists and a teacher in Lahore, the May 2008 arrest of Chlam Baloch, or the February 2008 arrest and torture of Munir Mengal.

#### 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, 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 without a warrant to search and seize property related to the case.

Several domestic intelligence services 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 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). Many of the renamed groups were subsequently banned. Lashkar e Taiba regrouped under the new name Jamaat ud-Dawa. The government seized the public assets of Jamaat ud-Dawa and ordered its accounts frozen in response to the group's designation as an alias of a Foreign Terrorist Organization under UN Security Council resolution 1267. In 2008 the government labeled Tehrik-e-Taliban Pakistan (TTP) a terrorist organization and ordered the State Bank to freeze all the organization's accounts.

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 FCR.

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

During the year the military engaged in active combat operations to clear militants from North and South Waziristan,

Malakand Division of the NWFP, and the Bajaur, Mohmand, and Khyber Agencies of the FATA. *Dawn News* reported that more than 3,300 persons, including personnel of law enforcement agencies and armed forces, were killed in terrorism-related incidents across the country. Newspaper reports of major incidents also showed that 1,037 persons lost their lives in 76 suicide attacks. December saw the highest number of suicide attacks, 15, which claimed 211 lives.

Due to poor security, intimidation by security forces and militants, and the control the government and security forces exercised over access by nonresidents to FATA, human rights organizations and journalists found it difficult to report on abuses in military theaters. Multiple sources reported that security forces' imprecise use of ground artillery and aerial bombardment resulted in extensive civilian casualties and collateral damage in FATA. Militants imposed fines and carried out public beheadings, public displays of dead bodies, stonings, and lashings.

A low-level insurgency 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 from January through late November. According to the AHRC, more than 100 individuals were killed in July and August alone. According to the AHRC, approximately 80,000 individuals were displaced and 1,300 disappeared from January through November. The last government-released official figures recorded the total number of deaths at 158 in 2006.

### Killings

In August several news agencies reported that local citizens found at least 251 corpses of suspected Taliban militants along a roadside in the Swat Valley. The HRCP alleged, based largely on interviews with victims' families, that many of the deaths were retaliatory killings by government security forces and civilians. The HRCP also alleged that security forces extrajudicially killed militants detained in combat operations.

Militants staged numerous suicide attacks during the year. On March 3, 12 gunmen attacked a visiting Sri Lankan cricket team in Lahore, killing six security personnel and wounding eight team members. Two weeks later, armed militants stormed a police training school in Lahore, killing 18 officers and wounding 12. On May 27, militants detonated a vehicle-borne improvised explosive device in front of three government office buildings in a downtown business district of Lahore, killing 26 and wounding more than 250 persons. The government blamed the TTP for the attacks.

In a 24-hour period beginning April 24, there were three suicide bombings. One bomber blew himself up at the entrance to a crowded Shia mosque near Islamabad, killing at least 26 persons. Another killed eight paramilitary security officers in Islamabad, and a third drove his vehicle into a group of civilians on the side of the road in Miram Shah, North Waziristan, killing at least eight persons, including school children. The government blamed TTP for the attacks. On June 9, armed terrorists fought their way past guards at the Pearl Continental Hotel in Peshawar and detonated a vehicle-borne improvised explosive device, killing themselves and 11 others and wounding more than 50 persons. International humanitarian aid workers were among those killed. The government blamed the TTP for the attack. On October 10, six armed militants attacked the General Headquarters of the Pakistan Army in Rawalpindi, penetrating the institution's security cordon and killing six soldiers. The TTP claimed responsibility for the attack. On October 15, militants in Lahore carried out near-simultaneous attacks on the Federal Investigation Agency (FIA) provincial headquarters, Manawan Police Training School, and the Elite Police Headquarters. The militants penetrated the security cordons of all three institutions, killing 12 police and five civilians. The TTP claimed responsibility for the attacks. On October 28, a bomb in a Peshawar market killed more than 100 persons, including women and children. In November militants killed two female teachers in an ambush near Khar, in the Bajur tribal region. On December 8, militants exploded devices in Lahore's Moon Market, killing at least 45 persons and injuring more than 100.

Sectarian killings related to the conflict were also widespread. Examples include:

In January clashes between Sunni and Shia groups in villages in the Hangu District killed 17 persons and injured 30. On February 21, a suicide bomb attack killed at least 30 persons and wounded more than 60 others during a funeral procession in Dera Ismail Khan. The blast occurred during the funeral procession for a Shia religious leader killed a day earlier. On September 8, Taliban militants shot dead four Shia schoolchildren and wounded six others in an apparent sectarian attack in Atmankhel town of Orakzai district. On June 12, following Friday prayers, a suicide bomber entered the seminary office of prominent Brailvi scholar Allama Sarfraz Naeemi and detonated an explosive device. Allama Naeemi and four followers died in the attack. Allama Naeemi had condemned Taliban activities in the country, issued religious edicts against suicide bombings and Taliban threats to the state, and supported military operations against terrorists in the Malakand Division of the NWFP. Allama Naeemi's followers claimed the TTP carried out the attack.

On September 2, two unidentified gunmen attacked the convoy of Religious Affairs Minister Hamid Seed Kazmi, killing Kazmi's bodyguard and shooting the minister in the leg. Minister Kazmi is a prominent Brailvi religious scholar and a vocal critic of the Taliban. Brailvi leaders blamed Taliban insurgents for the attack.

By year's end law enforcement had not charged anyone in the 2007 assassination of Maulana Hassan Jan, a prominent and well-respected Deobandi religious scholar who had declared suicide attacks "un-Islamic." Police arrested 13 suspects in 2007, but there were no further developments in the case.

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 2, a suicide bomb attack by a 15-year-old boy on a madrassa in Kili Karbala, Pishin District, Balochistan, killed six persons and wounded several others. Jamaat-Ulema-i-Islam provincial chief Maulana Muhammad Khan Shirani, Balochistan Assembly Deputy Speaker Syed Matiullah Agha, and provincial ministers belonging to the party who were attending a ceremony at the school escaped unharmed.

On July 31, the Balochistan Republican Army claimed responsibility for kidnapping 18 policemen and 14 laborers from the Chatter area of Naseerabad district.

There were no developments regarding the 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. In December Prime Minister Gilani announced that an inquiry would be conducted into his death.

Political violence between rival political parties continued during the year. There were 256 targeted killings in Karachi alone. Those killed included 69 members of the MQM, 60 from MQM-Haqiqi, 28 from the PPP, and 23 from the ANP and other political parties.

#### Abductions

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

On February 1, the head of the United Nations High Commissioner for Refugees (UNHCR) Balochistan office, John Solecki, was kidnapped on his way to work and his Pakistani driver was killed. The next day, the Balochistan Liberation United Front (BLUF) claimed responsibility for the kidnapping. On April 4, BLUF militants released Solecki after keeping him in captivity for 61 days.

On February 8, Taliban militants announced the beheading of Polish engineer Pieter Stanczak, whom they had kidnapped from the Pind Sultani area in 2008.

On June 1, suspected Taliban militants abducted 120 students and six teachers of Cadet College Razmak in North Waziristan Agency, in the Bakakhel area of Frontier Region Bannu. The students and their teachers had been traveling in four vehicles as part of a 28-vehicle convoy transporting almost 400 individuals including students, teachers, and their relatives. The army subsequently freed some students and the militants released the rest on July 4 following talks with a local jirga.

On August 21, officials confirmed the release of a French tourist, Anthenio Sarsaperla, who had been kidnapped in the Dalbandian area of Balochistan.

On September 10, masked gunmen kidnapped Thanasis Lerounis, a Greek volunteer for a humanitarian organization in northwestern Pakistan. The kidnapers did not announce any conditions for his release. At year's end he remained missing. According to media reports, the kidnapers held him captive in an unknown location in southeastern Afghanistan's Nuristan Province. As ransom, his captors demanded the release of several comrades from a Pakistani jail, \$2 million, and/or his conversion to Islam.

#### Other Conflict-related Abuses

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 girls' schools, particularly in Swat, and forced the closure of barber shops and stores selling western CDs and videos in the FATA and the NWFP.

On February 26, gunmen ambushed a minibus carrying children to school in the NWFP, killing the driver, wounding two children, and kidnapping six others.

*Dawn* reported in November that approximately 200 schools were destroyed in the Swat Valley during the two-year Taliban insurgency. On October 31, militants blew up a girls' school in Khyber district, destroying the building and wounding four persons in neighboring homes. According to Agence France-Press (AFP), two explosions demolished the government high school for girls at Kari Gar village. According to AFP, the militants kidnapped a boy who watched the bombing.

#### 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 by monitoring political activity and controlling the media. Journalists and their families were arrested, beaten, and intimidated by militants and criminal elements, leading many to practice self-censorship.

There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of

Information (MOI) 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 media wing, Inter Services Public Relations (ISPR), as well as two sections to monitor the media. 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.

In August the *Daily Asaap*, the most widely circulated Urdu-language newspaper in Balochistan Province, suspended publication, citing harassment from security forces. Two other newspapers in Balochistan, *Daily Balochistan Express* and *Daily Azadi*, also reported harassment by security forces. At year's end the *Daily Asaap* remained closed.

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.

Restrictive amendments to regulatory laws for print and electronic media promulgated by former president Musharraf during the 2007 state of emergency were not enforced during the year. Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. In November, eight television channels, including KTN, Samaa, DawnNews, Dunya, Express News Geo, and Aaj TV, voluntarily developed and agreed to guidelines governing coverage of terrorist attacks.

Between January 2008 and December, according to *Dawn*, the MOI issued 64 legal notices to 18 private television channels for violating the country's code of conduct. The MOI issued 18 of the legal notices to Independent Media Corporation, owner of the private television channel Geo TV. The government's reasons for serving the notices included covering terrorist attacks and airing footage that showed the Taliban releasing hostages.

On March 12, cable operators in some parts of the country blocked transmission of Geo News. Independent Media Corporation claimed that operators did so on instructions from the federal government to curtail media coverage of the "Long March" by lawyers scheduled for March 14. Then information minister Sherry Rehman resigned, reportedly in protest of the blockage. Cable operators restored the channel's signal within a few hours.

On October 10, according to the Associated Press, the government blocked three TV channels, including Geo News, ARY News, and Samaa, for several hours, and blocked Express News for a short period following a Taliban attack on army headquarters in Rawalpindi. The director general of ISPR and the minister for information and broadcasting later denied ordering the stations' blockage. Several sources, including representatives from two of the channels, speculated that the government punished the stations for covering that day's attack on the army headquarters.

Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in 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 Pakistan Electronic Media Regulatory Authority ordinance did not extend to the FATA or the PATA of the NWFP. Independent radio stations are allowed to broadcast in FATA with the permission of the FATA Secretariat. Militants and

religious figures operated approximately 150 illegal stations in the FATA.

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.

In April during the military operation against militants in NWFP, Taliban warned newspapers and television channels not to publish or broadcast negative news about them. In a poster issued on April 28, Taliban warned the media of dire consequences if they did not stop "propaganda" against the struggle of Taliban "for the enforcement of Shari'a" in Malakand Division. Copies of the poster were posted outside the offices of newspapers and private television channels. On December 22, a suicide bomber attacked the Peshawar Press Club, killing four persons and injuring 17. Local journalists said the press club had received numerous threats from the Taliban.

According to an International Freedom of Expression Exchange report published in August, 11 journalists have been killed in Pakistan since 2008; the World Association of Newspapers and New Publishers reported eight journalists were killed during the year. The following cases were representative of attacks on journalists:

On January 4, a suicide bomb killed Muhammad Imran, a trainee cameraman with Express TV, and Saleem Tahir Awan, a freelance reporter with local daily newspapers *Eitedal* and *Apna Akhbar*, in front of the Government Polytechnic College in Dera Ismail Khan in the NWFP.

Following the killing of journalist Wakil Ahmed on January 24 and an attack on a privately owned Television station within 48 hours, Reporters Without Borders urged authorities to adopt protective measures for journalists.

On February 18, unknown gunmen killed Musa Khan Khel, a reporter for Geo TV, while he was covering a peace mission in Swat by a pro-Taliban cleric. His throat was also partially slit.

On August 24, in an ambush in the Khyber Pass region near the Afghanistan border, gunmen killed Janullah Hashimzada, an Afghan journalist and Peshawar bureau chief for the television channel Shamshad, and seriously wounded his colleague Ali Khan. Other journalists who were killed included Siddique Bacha Khan of Aaj TV on August 14; Wasi Ahmed of *Balochistan Express* on April 16; and Raja Asad Hameed of *The Nation* and Waqt TV on March 26.

There were no developments regarding the November 2008 shootings of two journalists, one of whom was a Japanese national, in Peshawar after they returned from an interview with a Taliban commander in nearby Khyber Agency. There were no arrests in the 2007 killing of Makhdoom Hashmi, editor of Sindhi-language newspaper *Daily Nijat*. Hashmi had been critical of the policies of local feudal landlords and critical that provincial authorities had denied his requests for protection.

There were no updates regarding the 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.

There were no updates regarding the attack on the Aaj television station and property in Karachi as the station broadcast violent demonstrations live in 2007.

There were no developments in the case of *Daily Mashriq* correspondent Nasarullah Afridi, whose home local militants targeted with hand grenades in 2007 for his reporting on militant activities in Khyber Agency.

The Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. 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 estimated that there were more than 18.5 million Internet users in the country as of June, and service existed in nearly all of the country's urban and semi-urban areas.

Local sources reported that authorities continued to ban Walochwarna, a Web site that advocated independence for Balochistan. As of September 10, the Web site Balochvoice, a pro-Balochistan independence site that was previously banned, was accessible on the Internet and appeared to be operating without interference.

In November 2008 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 Jamaat-e-Islami (JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress.

These groups frequently influenced the hiring of staff, admissions to the universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.

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

In early March the government attempted to prevent planned demonstrations referred to as the "Long March" by arresting a number of lawyers and politicians. The government also prohibited demonstrations and public gatherings throughout the country and blocked access to roads to Islamabad. On March 12, protesters largely abandoned marches departing from Quetta and Karachi when police blocked their access to roads leading from those cities to Punjab. On March 15, when protesters gathered in Lahore in the morning and early afternoon in defiance of government orders, police responded with tear gas and baton charges, injuring several hundred people. By mid-afternoon, PML-N leader Nawaz Sharif defied his house arrest, leaving his residence in Lahore to join protesters at the site of the demonstration. The government abandoned its effort to disperse crowds and allowed the demonstration to proceed unhindered and to begin to march to Islamabad. In the morning of March 16, the government yielded to the protesters' demands that Iftikhar Chaudhry be reinstated as chief justice of the Supreme Court, and the protesters abandoned their march. Police used preventive detention and excessive force against demonstrators, members of civil society, political activists, and lawyers during the Long March.

### 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 the federal Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; due to the fragmented legal and regulatory framework, the exact number of NGOs was not known. No prominent NGO reported registration problems with the government during the year. Some continued to operate without registering and were not prosecuted.

The NGO community continued to protest a voluntary code of conduct promulgated in 2007 by the Ministry of Social Welfare and Special Education. 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 the FATA and the NWFP and threats to organizations that promoted women's rights. By year's end seven NGO workers had been killed, seven had been kidnapped but were later released, and several others had received threats. In April police in the Shinkhari area of Mansehra district found the bullet-riddled bodies of four local aid workers, including three women and a man. A local police official told AFP the bodies were found in the Kund forest. In September press reports containing leaked internal government documents appeared, detailing the difficulties certain international NGOs encountered in obtaining visas for their staff. The documents indicated that security agencies blocked issuance of visas for international staff of NGOs due to concerns about their activities in country and links to a foreign government.

### 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. The Federal Shariat court ensures that laws are consistent with Shari'a. All citizens are subject to the blasphemy laws. Freedom of speech is constitutionally subject to "any reasonable restrictions imposed by law in the interest of the glory of Islam."

According to the HRCP, there was an increase in cases of violence against minorities during the year. 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 that the government refused to register any group.

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. The law prohibits Ahmadis, who 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. According to Ahmadiyya Foreign Mission, during the year 11 Ahmadis were killed due to their faith; there were nine targeted attacks against Ahmadis that resulted in several serious injuries; 37 Ahmadis were charged under blasphemy laws; and 57 Ahmadis were charged under Ahmadi-specific laws. At year's end no Ahmadi was in prison on charges of desecration of the Koran.

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 up to 10 years in prison for insulting another's religious beliefs with the intent to offend religious feelings. The latter penalty was used only against those who allegedly insulted the Prophet Muhammad. On January 22, police arrested Hector Aleem, the country director of a Christian human rights NGO, after a member of a militant Islamic organization accused him of sending a blasphemous text message from his cell phone. Although the blasphemy charges were dropped after evidence showed the text message was not sent from Aleem's cell phone, the charges of abetting blasphemy stood. A judge denied bail on April 30 and remanded Aleem into custody "for his own protection" after a religious extremist lawyer threatened his life in a court hearing, according to CLAAS. At the end of the year, Aleem remained in jail awaiting trial on charges of abetting blasphemy.

On January 28, authorities arrested five Ahmadis, including four teenage students and one adult, for carving the name of the Prophet Muhammad onto the walls of a bathroom stall at a mosque in Punjab province. According to the AHRC, no evidence suggested the five individuals were responsible, and authorities did not conduct any investigation before the arrest. The four students who allegedly defaced the stalls at the behest of the adult had no connection to the mosque and did not live nearby, and a police official said police were not aware of any substantial evidence that linked the students with the crime. According to the AHRC, the district police officer told family members of the accused that police were under pressure from religious fundamentalists to act against the students. The students were released in July.

There were no developments regarding the June 2008 case in which police charged all the residents of Rabwah in Punjab under anti-Ahmadi laws and arrested Muhammad Yunus for lighting fireworks and lamps and greeting each other, which the government considered to be preaching their faith, a crime by law.

Police closed the Ahmadi centers in August 2008 following a citizen complaint that Ahmadis were attempting to proselytize. The centers were permitted to reopen on the condition that they remove the Kalima (the recitation of the Shahada, the Islamic recitation of faith) from their centers.

On December 14, a local court acquitted and freed Christian Gulsher Masih and his daughter, Sandal Gulsher. They had been detained in October 2008 in Faisalabad after the father was accused of desecrating the Koran.

There were no developments in the 2007 case in which an Intelligence Bureau district officer ordered the arrest of five Ahmadis, including two minors, after a teacher discovered the minors carrying an Ahmadi children's magazine. After the case received wide media coverage, the charges were dropped but then re-filed in February 2007 against two adults.

By the end of the year, there were no developments in the trial of the 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. At year's end he was incarcerated and the case was pending.

Martha Bibi, a Christian who was arrested for blasphemy in 2007, was granted bail; at year's end her case was pending in a local court.

Complaints under the blasphemy laws were used to harass rivals in business or personal disputes. Most complaints under these laws were filed against the majority Sunni Muslim community by other Sunnis. 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 a law went into effect 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, this process was not effective because senior police officers did not have the resources to review the cases. There were no legal restrictions on Christian or Hindu places of worship. District nazims had to authorize construction after they assessed the need for a new church or temple. Religious minority groups experienced bureaucratic delays and requests for bribes—routine obstacles all religious groups faced—when they attempted to build houses of worship or to 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, teachers forced 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 the targets of religious violence across the country.

In April militants began attacking the Sikh population, particularly in the Qasimkhel and Ferozkhel areas of lower Orakzai in the FATA. For example, on April 13, militants kidnapped local Sikh leader Kalyan Singh, forcing the community to pay 50 million rupees (\$595,000) as a "non-Muslim tax" (jizya). The ransom was later reduced to 15 million rupees (\$178,500). The Sikh community ultimately abandoned its homes in Orakzai.

As a result of the military operation in the FATA and Malakand, hundreds of Sikh families left the affected areas and took shelter in other parts of Pakistan. The government provided relief to Sikh IDPs and by the end of the year, most of those from Malakand had returned to their homes.

On July 31 and August 1, mobs attacked Christian enclaves in Gojra and Korian in Toba Tek Singh District, Punjab, following allegations that members of the Christian community had committed blasphemy. The mobs set fire to and damaged most properties in the enclave. Eight Christians trapped in their properties died in the fires. Human rights groups claimed the district administration and police failed to take adequate steps to stop the mobs. The provincial government established an Inquiry Tribunal of the Lahore High Court to investigate the incident. The Tribunal concluded its work September 6 and submitted a report in December, warning the government against such violence in the future and recommending action against the perpetrators without discrimination. Police arrested and charged 102 individuals in connection with the riots, including the four alleged instigators who had ties to the banned Sipah-e-Sahaba extremist group. The Lahore High Court granted bail to five of the accused.

According to *Pakistan Christian Post*, on August 28, militants shot and killed six Christians and injured seven in the city of Quetta in Balochistan. The incident coincided with the Balochistan observance of the death anniversary of Nawab Akbar Bugti, the leader of the Bugti tribe who was killed by the Pakistani military in 2006.

The government did not address the 2008 attacks against one church, one Hindu temple, and five Ahmadi mosques in Punjab.

Since the promulgation of the Anti-Ahmadiyya Ordinance in 1984, 295 Ahmadis have faced charges, and at the end of the year two Ahmadis were in prison under the blasphemy laws.

The National Commission for Justice and Peace noted that abductions and forced conversions of Christians and Hindus were on the rise. It reported in December that 20 Christian and 21 Hindus were forced to convert to Islam during the year, of whom 15 were men, 13 women, and four children.

Authorities argued that the law prohibits minor girls' return to non-Muslim families following their conversion to Islam, even in cases where the minor girls were abducted and then converted to Islam. Although families alleged the minor girls' conversions and the affidavits that authorities produced to verify them were fraudulent, the authorities did not return the minor girls to their families after releasing them from their abductors.

The Hindu community continued to face harassment and demands for bribes from security forces. In April a minority minister in the Sindh Assembly claimed that 18 Hindu women had been abducted and forced to convert to Islam and that one of them was killed. He claimed that approximately 30 to 35 members of religious minorities had been kidnapped, resulting in one death.

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. Ahmadis claimed that police generally were present during the marches.

Ahmadi, Christian, Hindu, and Shia Muslim communities reported significant discrimination in employment and access to education, including government institutions. These communities also faced societal violence. The National Education Policy mandated Islamic studies in schools; non-Muslim students could opt out of the course in favor of a more general ethics course. Several minority religious groups claimed the policy infringed on the religious freedom of non-Muslim students and made textbooks more biased toward Islam by removing information regarding the practices of other religions.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### 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 limited these rights in practice. The government required that foreigners obtain special permits to enter certain restricted areas, including the FATA, Balochistan, and parts of the NWFP, due to security concerns. Foreigners were required to obtain a No Objection Certificate (NOC) issued by the government to enter Azad Kashmir.

The law prohibits travel to Israel, but it 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 Exit Control List (ECL) were prohibited from foreign travel. Although 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 nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

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 militant activity and military operations in the NWFP and the FATA. The population displacement first began in August 2008 from Bajaur and Mohmand Agencies in the FATA and Lower Dir District in the NWFP. In late April and early May, a larger population displacement from Lower Dir, Buner, and Swat districts in the NWFP occurred as military operations confronted a militant offensive that had extended into Buner. The total number of IDPs ultimately swelled to 2.87 million. The government and the international humanitarian assistance community worked together to ensure protection for all IDPs and access to food, shelter, medicine, water, and sanitation. The government also provided debit cards worth 25,000 rupees (\$300) to approximately 320,000 displaced families from the Malakand Division to support the return process, and cards worth 5,000 rupees (\$60) for livelihood support to approximately 21,000 displaced families from South Waziristan. There was concern that the government limited the areas of origin considered eligible for assistance or disqualified individuals whose national identity cards had problems. According to a July 16 notification by the NWFP authorities, only persons displaced as a consequence of a current or imminent army operation could be classified as IDPs. By late November, after significant returns, the IDP population was approximately 1.2 million, including recent displacements from Bajaur, Khyber, Kurram, Orakzai, and South Waziristan agencies. Most of the 1.2 million IDPs lived with host communities or in rented accommodation in the FATA and the NWFP and approximately 125,000 resided in tent camps in the NWFP.

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

#### Protection of Refugees

The country is not a party to 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 the UNHCR's governing Executive Committee and cooperated with the UNHCR in protecting, assisting, and repatriating Afghan refugees.

Since 1979 the government has provided temporary protection to millions of refugees from Afghanistan. According to the government-run National Database and Registration Authority, there were approximately 1.7 million registered Afghan refugees in the country. There were no credible estimates of how many Afghans are undocumented or unregistered. The government continued to work closely with the UNHCR to provide support to this refugee population, although the Tripartite Agreement between the UNHCR and the governments of Pakistan and Afghanistan, setting the terms and conditions under which Afghan refugees can remain in Pakistan and the structure for the UNHCR-assisted voluntary repatriation program, expired December 31. Although the prime minister did not sign the Afghan Management Strategy by December 31, the Ministry for States and Frontier Regions (SAFRON) released a statement to the UNHCR that Pakistan would comply with the Tripartite Agreement and would not force Afghan refugees to return to Afghanistan upon expiration of their Proof of Registration (PoR) cards. SAFRON also requested that the Ministry of Interior issue instructions to provincial home departments and other authorities to prevent harassment of PoR card holders while the Management and Repatriation Strategy for Afghan Refugees in Pakistan (2010–12) was being finalized. According to the UNHCR, there were more than 80 Afghan refugee camps in the country, including 71 in the NWFP, 12 in Balochistan, and one in Punjab. Most Afghan refugees resided in urban areas.

In addition to internal displacement that resulted from the military operation in Bajaur starting in August 2008, more than 20,000 residents fled into neighboring Kunar Province in Afghanistan in 2008. The majority were believed to have returned as security allowed over the course of the year.

In October 2008 the government ordered illegal Afghan refugees resident in Bajaur to return to Afghanistan and began to deport refugees who did not return voluntarily and to arrest those who returned to Pakistan. Beginning in October, security forces reported that hundreds of militants were crossing periodically from Afghanistan into the country to commit violence.

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 and terrorism.

Although refugees did not have access to courts, the government provided access to basic health and education services, especially for Afghan refugees. 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.

The country lacks a legal and regulatory framework for the management of refugees and migration. In many instances the rights of refugees and services to which Afghans can or cannot have access are open to local government or even individual interpretation. For example, the State Bank governor decided that Afghans could not have bank accounts, but the National Database and Registration Authority regularly verified for banks the identity of refugees who wished to open accounts. Although there is no legislation specifically permitting Afghans to obtain driver's licenses, Afghans drove a large percentage of the trucks in the NWFP. Afghans owned and leased property, but occasionally a city or a provincial government issued instructions to cancel all leases to Afghans. Afghans could not get jobs in government but could often get jobs in industry, although sometimes there will be a local order to fire Afghan workers. Although there are a number of

Afghan schools funded by foreign assistance, Afghan children usually had no problem attending Pakistani primary schools. For older students, and particularly in cities, access was harder. Even Afghans who have grown up in Pakistan usually needed a student visa to attend university in Pakistan but could get a student visa on the basis of their refugee PoR card. Afghan refugees could avail themselves of the services of police and courts, but some, particularly the poor, were afraid to do so. In some cases of particularly abhorrent crime, the UNHCR has taken up legal cases on behalf of refugee victims.

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

The law provides the majority of citizens with the right to change their government, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, the FATA, and Azad Jammu and Kashmir were subject to unique systems. The president retained the power to dissolve parliament, a power then president Musharraf arrogated to the presidency and codified in constitutional Article 58(2)b in 2002.

Residents of Gilgit-Baltistan did not have representation in the national parliament. On September 7, President Zardari signed the Gilgit-Baltistan Empowerment and Self-Governance Order. Under the order the formerly named Northern Areas were afforded a number of attributes of a province and renamed Gilgit-Baltistan. The first elections were held in November for the 24-member Gilgit Baltistan Legislative Assembly, with the PPP winning the majority vote. On December 11, the assembly elected Syed Mehdi Shah of the PPP as the first-ever chief minister of Gilgit-Baltistan, replacing direct rule by the federal government. The region has a Supreme Appellate Court headed by a chief judge, a public service commission, a chief election commissioner, and an auditor-general.

Residents of the FATA were overrepresented in the national parliament but did 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 ran the tribal agencies. The elected councils in the 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. On August 13, President Zardari announced his intention to extend the act to the FATA; by year's end he had not signed the necessary order. Some political parties asserted that this prohibition on political party activity was void, because religious-based parties such as Jamiat Ulema-e-Islam and JI openly campaigned in the FATA despite the law.

Azad Jammu and Kashmir is subject to its own constitution that 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 the existence of an elected parliament and executive for Azad Jammu and Kashmir, the federal government controlled significant decision making in the area, according to HRW's report. Under the Azad Jammu and Kashmir constitution, authority over 52 critical policy areas is ceded to the Azad Jammu and Kashmir Council in Islamabad, whose numerical composition favored the federal government. The federal government can dismiss arbitrarily the elected Azad Jammu and Kashmir legislative assembly.

### Elections and Political Participation

On November 12, Gilgit Baltistan held its first election for a legislative assembly. The PPP won a majority. According to preliminary findings and a preelection analysis by the network of civil society organizations known as the Free and Fair Election Network (FAFEN), government interference, weak administration, procedural irregularities, and erroneous voter lists affected the election results. The HRCP observer mission reported that flaws caused by insufficient preparations marred the election. Although the election was relatively peaceful, several incidents of violence resulted in the deaths of

two persons and injured at least 40.

In February 2008 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 2007. In the September 2008 indirect presidential election, Asif Ali Zardari, widower of Bhutto, became president succeeding Pervez Musharraf, who had resigned in August 2008. 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. The PML-N took control of the Punjab provincial assembly. The PML-N, originally the PPP's largest partner in the national government, withdrew from the coalition on August 25, 2008, ostensibly due to the 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 2008 parliamentary election 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, some Baloch parties, and several parties from the Muttahida Majlis-e-Amal 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 EU Election Observation Mission, because they were required to register on a separate voter roll.

The FAFEN documented intimidation of voters and political parties by security services and local landowners throughout the country before 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 the PML. The FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The Election Commission of Pakistan (ECP) reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the FAFEN. The EU and Democracy International were among the organizations that fielded international observation teams. In September 2008, 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 noted that formal adjudication of challenges related to disputed election results was weak and that the high courts did not meet 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 Supreme Court dismissed both petitions during the year.

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. In 2008, 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. One-third of the seats were reserved for women 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 won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab; nine in Sindh; three in the NWFP; and three in Balochistan.

#### Section 4 Official Corruption and Government Transparency

The law imposes criminal penalties for official corruption; the government did not implement the law effectively in practice, and officials frequently engaged in corrupt practices with impunity. The 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 that corruption was a severe problem.

On December 16, the Supreme Court declared the NRO null and void, reopening all the cases against its beneficiaries. At year's end the fate of beneficiaries, including the president, ministers, and parliamentarians remained uncertain.

The NAB stopped disproportionately targeting opposition politicians for prosecution following the return of the Anti-Crime and Economic Wings of the NAB in April 2008 to the FIA, which reports to the Ministry of Interior. Then president Musharraf had transferred them from the FIA to the NAB in 2002. The NAB did not prosecute active duty members of the military or judges.

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

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

With some exceptions 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 government permitted international nongovernmental human rights observers to visit the country. In some instances the government did not issue visas to international NGO officials. The ICRC and many agencies of the UN had offices in the country, including UNHCR, UN Children's Fund (UNICEF), and UN Development Program. The government did not

allow ICRC access to security detainees in Swat and the NWFP. The ICRC also reported difficulties in meeting freely with detainees in Balochistan, where the government blocked access, and Punjab, where the government restricted access to security-related prisoners.

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 6 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, there was significant discrimination based on each of these factors.

#### Women

Rape, other than by one's spouse, is a criminal offense. An individual 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. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance. On February 11, the Federal Shariat Court invalidated a 25-year-old legal provision allowing a man accused of rape to impeach the credibility of his alleged victim by offering evidence that she was "of generally immoral character."

The Women's Protection Act (WPA) 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 WPA, police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's 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 continued to assert 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 WPA rather than the Hudood Ordinances.

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 less severe.

There were no reliable national statistics on rape, due to the serious underreporting of the problem.

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 before 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.

On June 5, the Lahore High Court reviewed a case of alleged gang rape and murder of a 15-year-old girl. The girl, a resident of Sheikhpura, was allegedly raped by Dr. Iftikhar Ahmad along with others at Amin Hospital, then received a poisonous injection. According to police, the accused remained in custody at year's end.

According to a July 26 *New York Times* article, two men abducted 16-year-old Assiya Rafiq and held her for approximately eight months, during which they repeatedly raped her. When the men handed her over to police in Khanewal district, south Punjab, police officers allegedly detained and raped her for 14 days. On June 19, a local court ordered an investigation and released Rafiq. At year's end no arrests had been made, and no further action had been taken.

According to the AHRC, on October 5, five men kidnapped 16-year-old Ruby Perveen at gunpoint and gang-raped her. She was found semiconscious the next day at a bus stop in Shumali, Sargodha. Three of the alleged perpetrators--Qiaseer Shahzad, Adeel Shahzad, and Irshad--were allegedly the sons of a local political party leader. Although the victim's family filed a FIR with local police, there were no arrests. Police officers claimed an out-of-court settlement was being arranged, a claim the victim's family denied. The government did not take any further action by year's end.

On November 4, a district court in Karachi heard testimony in the March 2008 gang rape case of an 18-year-old woman in the precinct of Mazar-e-Quaid. Three of the alleged perpetrators were arrested, and at year's end remained in jail awaiting trial.

There were no developments regarding the May 2008 rape case of a seven-year-old girl by two men in Gowalmandi, Lahore. A case against the suspects, one of whom was her uncle, was ongoing at the end of the year.

There were no arrests regarding the August 2008 case in which a group of men kidnapped, raped, and killed a 13-year-old schoolgirl in Rawalpindi.

Police made no arrests in the 2008 case of a woman multiple men kidnapped, raped, and severely burned with acid before killing her in Mandi Bahauddin, Punjab, nor in the 2007 case of a 17-year-old girl four men gang-raped in Shadara Town, Lahore. During the year, there were no developments in the 2007 case of then 16-year-old Nasima Labano, who at least eight men gang-raped as punishment. At year's end eight suspects remained in jail.

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 lived in her village in Punjab with police protection, and the 13 men allegedly involved in the gang rape were in prison.

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.

According to the Aurat Foundation, the cases of violence against women increased 13 percent from the previous year. The Aurat Foundation reported that during the year 1,384 women were killed, 1,987 were abducted, 683 committed suicide, and 928 were raped or gang-raped. Also according to the Aurat Foundation, there were 608 cases of domestic violence, 274 cases of sexual assault, 683 cases of suicide, and 50 cases of stove burning.

According to a 2008 HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands, and nearly 50 percent of wives in developed urban areas admitted that their husbands beat them. The HRCP reported 52 cases of women doused with kerosene and set afire. The Aurat Foundation reported that during the year there were 53 cases of acid attacks, up from 29 in 2008.

Women who tried to report abuse faced serious challenges. 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 emergency shelters for women in distress, including female police stations and homes run by provincial social welfare departments and NGOs. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training.

In some cases women were abused at the government-run shelters.

There were no developments in the 2007 case of the man who allegedly set his 21-year-old wife on fire in Rawalpindi with assistance from his two brothers. At year's end the case of the two men police had arrested was pending in Rawalpindi District Court.

Honor killings and mutilations occurred throughout the country during the year. The Aurat Foundation reported that during the year there were 604 honor killings.

A 2005 law 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." Because honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

On April 24, according to media reports, Alia Bibi and Azeemul Haq were shot dead in the Kala Dhaka PATA. The couple had eloped, and a jirga had subsequently condemned them to death. Alpuri police arrested the couple in Shangla on February 26 and released them on bail. Soon thereafter, they were kidnapped and taken to Kala Dhaka, where the jirga enforced the execution order. A government representative said that although he regretted the killing, the jirga system was the only law in the area.

On June 28, according to *Dawn*, armed men, some in police uniform, attacked the home of a newlywed couple in Charsadda, killing five persons. According to the husband's relatives, some of the armed men pretended to be policemen, knocked on the door, and shot him. The bride's relatives then scaled a wall, entered the house, and began firing, killing the bride as well as her husband's father, mother, and sister. The bride's family allegedly was upset because the couple had wed against their wishes. The police made no arrests in the case.

On July 27, the Supreme Court settled the March 2008 case of Taslim Solangi, a 17-year-old girl who was allegedly the victim of a jirga-ordered honor killing. According to the AHRC, she was attacked by dogs and then her in-laws killed her. The Supreme Court concluded that no dogs had been unleashed on her.

There were no developments in the July 2008 honor killings of two teenage girls and three women in Baba Kot, Balochistan. After the case prompted media controversy and condemnation by politicians and human rights groups, the

federal government and the provincial government initiated an investigation and police arrested seven suspects. At year's end the case was still pending in court.

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

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

The World Bank released a study in 2007 indicating that approximately one-third of marriages in rural areas were "watta satta," exchange marriages in which men marry each other's sisters. 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, 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 "marriage with Koran" 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.

According to AHRC, on May 11 Maheen Usmani, a senior anchorperson for Dunya TV News in Islamabad, allegedly received two late-night phone calls from Yusuf Baig Mirza, the channel's managing director, in which he made inappropriate comments. Usmani informed the channel's director of news and chief executive officer, but no action was taken. Usmani claimed she experienced professional setbacks, and on June 15 she resigned from her position, citing "continued harassment, coercion, and highly unethical conduct of the top management of Dunya News." An internal investigation committee and the National Press Club investigated the claim, but there was no progress by year's end. Mirza filed two defamation lawsuits against Usmani, who has been approached with offers of money and jobs in exchange for dropping the case.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and rights. According to the National Committee for Maternal and Neonatal Health, only 30 percent of married women of reproductive age used any contraceptive method, and more than one-quarter of these women used traditional methods that are less effective than modern contraceptives. Few women in rural areas had access to skilled attendance during childbirth, including essential obstetric and postpartum care. Women were less likely than men to be diagnosed and treated for sexually transmitted infections, including HIV.

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 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 one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal 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 and honor crimes.

#### Children

Citizenship is derived by birth within the country's territory. Reporting of births is voluntary, and records are not uniformly kept, particularly in rural areas. In lieu of a birth certificate, individuals often used school records attested by the headmaster or principal of the school or matriculation certificates, both of which identify the father and the date of birth.

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 charged tuition. Public schools, particularly beyond the primary grades, were not available in many rural areas. Parents of lower socio-economic means often chose to send children to madrassas where they received free room and board. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education that the public system offered.

According to AFP, militants destroyed hundreds of schools, mostly girls' schools, in the northwest region of the country. For example, on November 1, militants detonated a bomb at a government high school for girls in Kari Gar village, Khyber tribal district, destroying the building and wounding four persons. In the last two years, militants destroyed approximately 200 schools in the Swat Valley alone during the Taliban insurgency.

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

Child abuse was widespread. The NGO Lawyers for Human Rights and Legal Aid (LHRLA), reported that from January to November, 612 children were murdered, 274 sodomized, 963 kidnapped, 374 trafficked, and 1,054 reported missing.

The legal age of marriage is 18 for males and 16 for females. Despite laws barring child marriage, there was evidence it occurred. LHRLA reported 1,006 cases of forced and "vani" marriages. In March 2008 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 (\$1,140 to \$2,540) in parts of Sindh and the NWFP. In rural areas poor parents sold children as bonded laborers and sold their daughters into marriage.

In 2008 the Edhi Welfare Trust (EWT) said it rescued approximately 30 infants each month from dumpsters in Karachi and elsewhere in the country and recovered the bodies of about four times as many infants. They reported that since 1970, they had recovered 68,000 dead infants from garbage dumps. Of the infants abandoned or killed, 98 percent were girls, according to the EWT.

There were no known limits on child IDPs' access to government services, although 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.

According to media reports, Taliban militants forcibly recruited child soldiers. *The Times* reported on July 28 that religious militants allegedly kidnapped between 1,200 and 1,500 boys as young as 11 to be trained in Swat as suicide bombers after the government signed a peace deal with Taliban in February. In July the army rescued five teenage boys after the military offensive in Swat forced the Taliban to abandon the training camp where the boys had been held. The army set up a rehabilitation center for the rescued children. The BBC reported similar practices by Taliban militants in 2007.

The SPARC estimated that more than 150,000 children lived on the streets in urban areas in 2008.

The penal code defines statutory rape as sexual intercourse with a female younger than 16. The punishment for rape is death or imprisonment for 10 to 25 years and a fine. Gang rape is punishable by death or life imprisonment. Child pornography is illegal under general obscenity laws.

#### Trafficking in Persons

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

The country was a significant source, transit point, and destination for trafficked persons, and internal trafficking was a serious problem reportedly involving more than one million men, women, and children. Men and women were trafficked from the country to the Middle East to work as bonded or sex 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, and East Asian countries were trafficked through Pakistan to the Gulf. Traffickers bribed police and immigration officials to facilitate

passage. Foreign victims faced societal discrimination upon repatriation.

Maximum penalties for trafficking ranged from seven to 14 years' imprisonment plus fines. The FIA Anti-Trafficking Units had primary responsibility for combating international trafficking. The government assisted other countries such as Oman, the United Kingdom, Iran, Turkey, Greece, and Australia with international investigations of trafficking.

Authorities registered approximately 4,599 human smuggling and trafficking cases during the year. This figure included trafficking cases because the FIA did not have the facilities to identify trafficking and smuggling victims. During the year authorities discovered and detained nearly 5,500 individuals attempting to travel through illegal routes. In 2008, FIA human trafficking cells estimated that 700 persons attempted to leave the country using forged or fraudulent documents.

Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and other forms of labor. Bonded labor of children in the brick kiln industry, carpet weaving, and in agriculture remained a serious problem. In some cases families sold children into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases children were kidnapped.

Media reported April 4 that human smugglers had packed more than 100 Afghans into a shipping container in a bid to smuggle them to Iran; 52 of the Afghans suffocated to death and 51 others were found unconscious at Hazar Ganji Bus Terminal in Quetta. On July 27, the FIA arrested a key member of a human trafficking racket in Chachi Mohalla, Wah Cantonment Police Station jurisdiction, who allegedly was involved in the smuggling operation. At year's end the case was being processed in the Quetta court system.

In 2005 the central government opened a model shelter in Islamabad specifically for trafficking victims. There are more than 200 shelters around the country providing services to trafficking victims, including government-run camps in Sindh for released bonded laborers. During the year the government of Punjab initiated a project to eliminate bonded labor in brick kilns in Lahore and Kasur districts. The government of Sindh also initiated a project at the end of 2008 to distribute state land to poor laborers, with a focus on women, in efforts to reduce bonded labor practices. The federal government also provided temporary residence status to foreign victims of trafficking.

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

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://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 federal and provincial levels that require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice, this right was only partially protected due to lack of adequate enforcement mechanisms. Families cared for most individuals who had physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could 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 job placement and

loan facilities as well as subsistence funding. The Council also operated the Pakistan Society for the Rehabilitation of the Disabled, which provided rehabilitation, vocational training, and medical support to persons with disabilities.

On August 10, President Zardari launched the "Special Persons- Special Cards" initiative under which persons with disabilities received reduced prices for a number of services, including transportation and financial services. The initiative also undertook measures to provide them with greater physical access to public facilities.

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

#### National/Racial/Ethnic Minorities

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.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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

Society generally shunned transvestites, eunuchs, and hermaphrodites—referred to as hijras. They often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some were also involved in prostitution. Hijras were often denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Their families often denied them their fair share of inherited property.

On July 14, the Supreme Court stated that hijras are equal citizens of the country and ordered provincial social welfare departments to survey and register hijras and to provide them benefits from the government's financial support mechanisms, such as the Benazir Income Support Program. On December 23, the Supreme Court ordered authorities to allow transvestites and eunuchs to identify themselves as a distinct gender and ordered the government to give national identity cards to members of the community. The Supreme Court also ordered that district administrations assist them in obtaining inheritance rights after tracing their families.

#### Other Societal Violence or Discrimination

According to the government's National Aids Control Program (NACP), there was no discrimination based on HIV/AIDS status observed in the government service. Societal attitudes toward HIV-positive individuals were changing, but social discrimination against persons with HIV/AIDS remained. Cases of discrimination often went unreported due to the stigma against HIV/AIDS patients. The NACP estimated that there were 97,500 HIV-positive individuals in the country and that only 5 percent were reported. In addition to opening new treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness.

#### Section 7 Worker Rights

According to NGOs and the Economic Survey of Pakistan, the total workforce was approximately 51.8 million. Labor groups and International Labor Organization (ILO) figures indicated that approximately 3 percent of the total estimated

workforce was unionized. The constitution states that "every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law."

In November 2008 the parliament enacted the interim Industrial Relations Act 2008 (IRA), which went into effect in December 2008 and was set to expire in April 2010, and repealed the previous labor law, the Industrial Relations Ordinance of 2002 (IRO). Although the IRA expanded the right to form labor unions to include more labor sectors, labor groups were concerned about limited tripartite consultations in the drafting of the IRA and continued exclusions of large sectors of the workforce.

#### a. The Right of Association

The constitution protects the right of association, but according to the 1973 Civil Servants Act, civil servants may establish associations and may not form or join trade unions. The 2008 IRA expanded the right of association to workers and employers in the private sector but continued to exclude nonprofit organizations, self-employed workers, agricultural and other informal sector workers, the more than 15,000 employees working in the country's 12 export processing zones (EPZs), and most public sector employees, including medical staff, firefighters, teachers, and state enterprise employees. Under the IRA, EPZ workers are prohibited from joining unions, bargaining collectively, or striking. The EPZ Authority is empowered to draft labor laws within the EPZs, but no such laws have been drafted. NGOs and government surveys estimated that agriculture accounted for approximately 45 percent of the labor force and other informal sectors accounted for 20 percent, rendering more than 65 percent of the labor force without the right of association. In practice the 2008 IRA was too new to judge enforcement and, given its interim nature, labor groups did not follow closely its effects.

The 2008 IRA took positive steps to decrease government control of membership and participation by eliminating the previous requirement for Collective Bargaining Agents to affiliate with a national-level registered federation. Under the IRA trade unions have the right to join any federation or confederation of their choice. Under the IRA, unlike the IRO, the Registrar of Trade Unions cannot cancel a trade union's registration. There were no reported incidents of the government dissolving a union without due process.

According to the International Trade Union Confederation (ITUC), the IRA does not articulate the rights of workers to conduct sympathy strikes and under the IRA it takes at least one month before a strike can be legally declared. The federal government has wide powers to prohibit a strike if it lasts for more than 30 days and causes "serious hardship to the community" or is "prejudicial to the national interest." In the case of public utility services, strikes may be prohibited at any time before or after the strike begins. The Anti-Terrorist Ordinance of 1999 defines illegal strikes, picketing, and other types of protests as "civil commotion," which carries a penalty of up to life imprisonment. Section 144 of the Code of Criminal Procedure also deems any gathering of four or more persons subject to police authorization, a provision that authorities use against trade union gatherings. In previous years the Essential Services (Maintenance) Act of 1952 (ESMA) had been invoked to limit or ban strikes by public sector workers and to curtail collective bargaining rights; labor groups reported that ESMA was not applied during the year.

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

Collective bargaining for some workforce sectors is protected under the 2008 IRA. Sectors not covered are the same as those excluded from Freedom of Association: nonprofit organizations, self-employed workers, agricultural laborers, other informal sector workers, and most public sector employees, including medical staff, firefighters, and teachers. 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. In practice the IRA was not fully enforced.

The ITUC reported that employers disqualified workers from union membership by promoting them to nominal managerial status. According to ITUC, there were cases in previous years in which management resorted to intimidation, dismissal, and blacklisting to prevent unionization.

The ITUC reported in March 2008 that brick kiln bonded laborers attempted to organize in seven districts of Punjab. The largest gathering was in Lahore, with nearly 5,000 attending the event.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits slavery and all forms of forced labor. In practice the government did not enforce the prohibitions effectively, and there were numerous instances in which such practices occurred.

The Bonded Labor System (Abolition) Act of 1992 (BLAA) outlaws bonded labor, cancels all existing debts, forbids lawsuits for the recovery of such debts, and establishes a District Vigilance Committee system to implement the act. Due to technical flaws, federal and local government structural changes, and a lack of budget for implementation, the act was largely unenforced. As a result law enforcement registered bonded labor offenses under other sections of the penal code. During the year police releases of bonded laborers increased between 140 and 200 percent in areas of high incidence of bonded labor in Sindh. In Punjab there was a 10 percent increase in cases registered for forced or bonded labor offenses.

NGOs reported that more than one million persons were involved in some form of bonded labor, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus, Christians, or Muslims of lower socio-economic class. Bonded labor was most common in agriculture and in brick, glass, carpet, and fishing industries.

Bonded laborers often were unable to determine when their debts were fully paid. Some bonded laborers returned to their former status after being freed, due to a lack of alternative employment options. Ties between landowners and brick kiln owners and influential politicians hampered effective elimination of the problem.

A 2008 Freedom House report noted that bonded laborers sometimes sold their organs, particularly kidneys, to make money to escape servitude. According to the UN's Integrated Regional Information Networks, the Sindh Institute of Urology and Transplantation conducted a survey in Punjab released in 2007 noting that 93 percent of kidney sellers needed the money to repay debts and 69 percent of sellers were bonded laborers. Despite the 2007 Human Organs and Tissues Transplant Ordinance, which criminalizes the practice of kidney sale and purchase, media continued to report instances during the year in which laborers sold their kidneys for as little as 84,000 rupees (\$1,000).

On October 27, *Time* reported that at least three landlords had held more than 150 bonded laborers against their will in Sindh Province for more than 30 days. Lawyers provided by local NGOs filed petitions in district courts for the release of the laborers, who were all in bonded employment. The laborers, a third of whom were children, were landless peasants. Sindh law enforcement secured the release of all the laborers, and criminal charges have been filed against one of the landlords.

The Ministry of Labor, Manpower and Overseas Pakistanis initiated a 123 million rupee (\$1.4 million) project during the year to combat bonded labor in brick kilns, through which it obtained national identity cards for 11,000 brick kiln workers and issued interest-free microfinance loans of 11.8 million rupees (\$140,000) to help workers pay off debts to employers

or finance their work activity. The Punjab Ministry of Labor registered nearly 200 brick kilns and 6,000 workers to take steps to better regulate the industry and provided free legal aid to laborers, registering more than 150 cases in 2009.

#### d. Prohibition of Child Labor and Minimum Age for Employment

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

The law makes bonded labor by children punishable by as long as five years in prison and as much as 50,000 rupees (\$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. 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 a child should have one day off per week. In addition, the law requires employers to keep for labor inspectors' examination a register of children working for them. These prohibitions and regulations do not apply to family businesses or government schools. The law protects all children younger than 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 media, a government directive to ban inspection of industrial units in Punjab prevents detection of child labor. According to the 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 nonagricultural 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 stated that violations were immediately cited and prosecuted; in practice, enforcement efforts were not adequate to meet the scale of the problem. Inspectors have little training and insufficient resources, and are susceptible 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 as much as 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 debt obligation to feudal landowners or owners of brick kilns. In March the National Coalition Against Child Labor released a report on bonded labor in the country that stated there were 1.7 million persons in bonded labor in the agricultural sector, including children, and called for amendments to the Bonded Labour System (Abolition) Act 1992.

#### e. Acceptable Conditions of Work

The fixed minimum wage per month was 6,000 rupees (\$76), increased in March 2008 from 4,000 (\$51). 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 work force, 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.

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 labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC, labor inspectors exempted certain employers from inspection in Sindh and Punjab. Many workers remained unaware of their rights, especially in the informal labor sectors.