

## PAKISTAN

Pakistan is a federal republic with a population of approximately 176 million. In 2008 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. Syed Yousuf Raza Gilani was the prime minister and head of government. The PPP and its federal coalition partners controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Security forces did not report to civilian authorities and operated independently from the civilian government.

The major human rights problems included extrajudicial killings, disappearances, and torture. Although the government initiated an investigation into an Internet video showing men in military uniforms apparently committing extrajudicial killings, a failure to credibly investigate allegations, impose disciplinary or accountability measures, and consistently prosecute those responsible for abuses contributed to a culture of impunity. Poor prison conditions, instances of arbitrary detention, lengthy pretrial detentions, a weak criminal justice system, insufficient training for prosecutors and criminal investigators, a lack of judicial independence in the lower courts, and infringements on citizens' privacy remained problems. Harassment of journalists, some censorship, and self-censorship were problems. There were some restrictions on freedom of assembly. Corruption was widespread within the government and lower levels of the police forces, and the government made few attempts to combat the problem. Rape, domestic violence, sexual harassment, honor crimes, abuse, and discrimination against women remained serious problems. Religious freedom violations, as well as violence and discrimination against religious minorities continued. Child abuse and exploitive child labor were problems. Widespread human trafficking, including exploitation of bonded laborers by land owners; forced child labor; and commercial sexual exploitation of children remained problems, as did lack of respect for worker rights.

A new law to increase protection against sexual harassment was passed, and more than 40 ministries and departments incorporated the new code of conduct into their policies, although women's rights groups sought more effective implementation. The minister for minorities took an active role in assisting victims of religiously motivated attacks on Christians and Ahmadis; the government allocated four

reserved Senate seats for religious minorities, one from each province; and police freed more than 1,000 bonded laborers.

## RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed arbitrary or unlawful killings. Politically motivated killings and societal violence, including killings by angry mobs, continued. There were reports of extrajudicial killings in connection with conflicts in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province) (see section 1.g.).

Some killings of individuals accused of crimes allegedly resulted from extreme 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. Lengthy trial delays and failures to discipline and consistently prosecute those responsible for abuses contributed to a culture of impunity.

On March 7, Pakistani newspaper *Dawn* reported that the Pasrur city police in Punjab registered a case against the station's former station house officer (SHO) and other officers for allegedly torturing a suspect in custody. The suspect, Ghulam Farid, died in jail on February 26.

On March 29, *Dawn* reported that Naveed Shah was tortured to death by police at the Sangi police station in Sindh. The government immediately responded, and on March 30, the Sindh High Court Bench ordered that a murder case be filed against the SHO and other officers.

On May 26, Human Rights Watch (HRW) reported that Farman Ali, a resident of Swat who had surrendered to the army in March, was found dead in a field with a gunshot to the head.

In mid-January HRW reported that 12 corpses were found near the Swat River riddled with bullets and bearing marks of torture. The dead were believed to include missing villagers whom the army picked up earlier.

January 2, HRW reported the body of "Humanyun" (an alias) was found dumped outside his house. The remains showed visible marks of torture and broken bones. The military allegedly detained him and his brother on October 27 on their return to Swat. According to HRW, Humanyun's brother was released on December 29. He had been tortured, and both of his legs had been broken.

HRW reported on January 10 that the body of Ghani was found in a field in Kuza Bandi with one bullet wound in the head and three in the chest. He was allegedly picked up and publicly beaten by the army in July 2009.

HRW reported that on February 21, the bodies of Mohammad Aalim (alias Mullah Banorey), Shams ul Hadi (alias Mullah Shanko), Murad, and Saleem were found in the Maidan subdistrict. According to HRW, all four men were rounded up four months earlier in a military raid and transferred to an unknown military detention center upon arrest. Residents reported that the corpses of Mullah Banorey and Mullah Shanko, who locals reported to be Taliban commanders, were tied behind military vehicles and dragged publicly, as persons were encouraged to spit at and throw garbage on the men. Military commanders claimed that all four men were killed in an "encounter."

The Human Rights Commission Pakistan (HRCP) called upon the Punjab government to hold an inquiry into the death of Hafiz Abdullah in Dera Ghazi Khan (DG Khan). It was alleged that after killing Hafiz Abdullah, the police officers involved threw his body outside and set it on fire in front of a crowd that had gathered outside the police station in Mian Chowk Choti Zareen. Senior civil judge Fayyaz Ahmad Zaheer of DG Khan appointed a one-man inquiry tribunal to probe an alleged extrajudicial killing by police officers in DG Khan on August 18. The government had not brought any charges against the perpetrators by year's end.

On September 25, the *Daily Times* reported that Abdul Sattar was allegedly tortured to death by the Burki Investigation Police in Lahore. The police termed the killing a suicide, although the police officer in charge was discharged soon after the incident. Family members of the victim stated that police officials killed Sattar despite receiving money for his release.

According to the *Express Tribune*, on September 26, Muhammad Akram Thaheem was arrested by police on betting charges and died later that day while in custody at Mumtazabad Police Station. Police officials alleged that he died of cardiac arrest, whereas medical reports suggest he died after being castrated. The 10 police officers wanted in the case fled from the Mumtazabad police station soon after the registration of First Information Reports (FIRs) against them.

During the year extrajudicial killings from 2009 came to light, including in September a video posted on the Internet of men in military uniforms executing six young men in civilian clothes. The young men were shown blindfolded and lined up with their hands tied behind their backs. On October 8, Chief of Army Staff General Kayani issued a statement ordering the establishment of a board of inquiry to determine the identities of the uniformed personnel seen in the Internet video. By the end of the year, the military had not publicly announced the conclusions of its investigation into the video, and no one had been held accountable. The video appeared to have been taken in the Swat Valley during the 2009 military counterinsurgency campaign.

Days after this video surfaced on the Internet, another video emerged on the Internet showing men in military uniforms beating prisoners in a remote location.

The HRCP and HRW reported that the army was responsible for more than 200 extrajudicial killings in the Swat region during the past year. The HRCP reported that residents described mass graves in Kukarai village and in areas between the villages of Daulai and Shah Dheri.

In total, according to the HRCP, approximately 2,600 suspected militants were detained in Swat during the military's operational phase, but none of them were charged or produced before a court. The HRCP also believed that an additional 2,800 cases were lodged against suspected terrorists after the military operation in Swat concluded, but they also were not brought before a court of law.

There were no developments in the April 2009 killings of Baloch National Movement (BNM) President Ghulam Muhammad Baloch and Baloch Republic Party (BRP) members Sher Muhammad Baloch and Lala Munir Baloch in Turbat, Balochistan. They were abducted by men in civilian clothing from their lawyer's office on the same day that the antiterrorism court cleared them of charges of causing unrest. They were reportedly taken away in Frontier Corps vehicles. They were later found dead on April 8.

On August 23, in Uthal, Balochistan, assailants abducted and killed Central Joint Secretary of the BNM Rasool Bakhsh Mengal. According to the Asian Human Rights Commission (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.

In September 2009, 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, Punjab. His family members and NGOs alleged that he died of police torture; the police maintained Fanish hanged himself. The Joint Action Committee for People's Rights, an alliance of more than 30 human rights groups, stated that witnesses saw marks of torture on his body. Activists staged numerous demonstrations across the country, and two days after Fanish's body was found the chief minister of Punjab Province ordered an inquiry into the death. At the end of the year, the inquiry remained pending.

HRW reported that in November 2009 the army picked up Ayub Khan at his home in Lunday Kase, Mingora (Swat), beat him in front of his family, and took him away in a military vehicle. In December 2009 local residents reportedly heard a shot, found his body covered with marks of torture, and saw an army vehicle driving away.

HRW also reported that in October 2009 Islam Khan was picked up from his house in Imam Dheri, Swat, in an army raid. His body was found 15 days later near the Swat River with extensive marks of torture. His hands and legs were broken. Reportedly, shortly after the body was recovered, a team of soldiers and police came to his house, told his family not to mention the incident or their house would be demolished, and took the body away.

According to the media, in August 2009 the corpses of individuals who had been killed extrajudicially began appearing in Swat, Khyber Pakhtunkhwa, formerly the North West Frontier Province (NWFP). 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. At year's end responsible parties had not been identified.

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." There were no developments or arrests in this case.

There were no developments in the following 2008 cases: the death of Allah Bakhsh while in custody in Khanewal, Punjab; the deaths of Irfan Khan and John Masih in custody; the alleged torture of Rafique Masih by Jafar Husain in a Lahore police station; the death of Idris Ahmad while he was in Sihala Jail near Rawalpindi; the alleged torture of Falak Sher in Sheikhpura by Punjab police in August; or the killing of four inmates at Karachi's Malir District Jail.

During the year there were numerous reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh. According to a report by *Dawn*, 1,981 persons were killed in political violence in Karachi, of which 748 were targeted killings. Nationalist leaders in Balochistan also remained targets of attacks during the year. Balochistan National Party (BNP) President Akhtar Mengal accused the government and its functionaries of carrying out targeted killings of Baloch leaders and activists. According to HRW, militant groups increased attacks against non-Baloch civilians.

The *Daily Times* quoted police sources as saying that targeted killings in Balochistan claimed 87 lives and injured 303 persons in 168 incidents between January and May.

According to *Dawn*, on March 3, two students of Khuzdar Engineering University were killed and nine others injured when a bomb exploded on the university premises during a Balochi cultural performance by the students.

On March 7, a local leader of the Pakistan Muslim League-Nawaz and his guard were killed and two guards injured when armed men on a motorbike opened fire on their car in Khuzdar town.

On March 18, a retired superintendent of police, Usman, alias Tikkah Khan Rodani, was killed in Quetta as he exited his house. *Dawn's* sources said the assailants were on a motorbike, and the incident was considered another targeted killing.

On March 22, Professor Fazal Bari was shot and killed by unknown assailants, prompting the Tameer-i-Nau Trust to close its newly established school in the Quetta city's Takhtani eastern bypass area.

According to *Dawn*, on April 27, Nazima Talib, a professor at Balochistan University, was killed when two masked men on a motorcycle opened fire on her. A spokesman for the Baloch Liberation Army claimed responsibility for Nazima's killing. Teachers and educators from different institutions termed her killing a conspiracy to discourage female teachers from performing their duties.

On May 24, Mohammad Ashfaq, vice principal of the Pak-German Technical Training Centre in Hub, was shot and killed in a targeted killing.

On July 12, National Party (NP) leader Maula Bukhsh Dasti was shot and killed by unknown assailants in Turbat, Balochistan. Only two days later former senator and secretary-general of the Balochistan National Party-Mengal(BNP-M) Habib Jalib Baloch was killed in Quetta. On July 21, another BNP-M leader, Liaquat Ali, was shot and killed in Kalat District in Balochistan. These incidents led to widespread protests across the province. On July 27, unidentified gunmen killed the son of NP central leader Tufail Sabir in Khuzdar.

According to the *Daily Times*, on August 31, BNP-M leader Nawabuddin Nechari and two friends were traveling on a national highway when unidentified assailants opened indiscriminate fire on their vehicle, killing Nechari and one of his friends.

On September 6, the dead body of a kidnapped lawyer Zaman Marri was found in Mastung. According to sources at the hospital, the victim was shot in the head, and his body bore marks of torture.

On September 8, three persons, among them a political leader and a police officer, were killed and five others injured in a bomb blast in Hub. Hundreds of persons, mostly women and children, were shopping in Rind Market when the explosive device placed in a shop exploded. Abdul Khaliq, a leader of BNP, and Police Inspector Abdul Sattar were killed.

On September 9, Balochistan finance minister Mir Asim Kurd had a narrow escape when a suicide bomber detonated himself inside the minister's residence in Quetta, killing five persons and injuring four others. The blast occurred moments after Kurd, the Pakistan Muslim League-Quaid's parliamentary leader in the Balochistan Assembly, left for his office.

On September 28, three persons were shot and killed in the Hazarganji area, and a kidnapped trader was found dead in Sariab area.

On September 30, Interior Minister Rehman Malik reported that security in Balochistan had improved to a great extent and that targeted killings in Quetta had stopped. He stated that 97 individuals involved in the killings had been arrested. In Panjgur 28 persons were arrested, and FIRs were lodged against them.

On October 3, two local leaders of the Balochistan National Party-Awami (BNP-A) and two other persons were shot and killed in separate incidents in Turbat and Quetta. BNP-A leaders Mullah Abdul Latif and Mohammad Aslam were travelling in a pick-up when gunmen on a motorbike opened fire on them near Tutak area of Turbat. Mohammad Ishaq Lehri and Mansoor Lehri were shot and killed by unidentified attackers near Irrigation Colony on Sariab Road in Quetta.

On October 4, the *Express Tribune* reported that 21 bullet-riddled bodies of missing persons, including two lawyers, were found across Balochistan including in Quetta, Mastung, and Khuzdar since July 4. All of the victims were Baloch, and all were killed in a similar manner.

On October 4, Abdul Aziz Rahi Mengal, former director-general of middle education in Balochistan, was killed in Khuzdar. Sources said that Mengal was in his van when he was attacked by gunmen on a motorcycle at Azadi chowk.

According to the *Daily Times*, on October 13, unidentified assailants shot and killed BNP-M senior leader Mir Nooruddin Mengal near his residence in Kalat.

According to *Dawn*, on October 25, Sheikh Mohammad Ayub Khan, the Zhob district chief of the Jamiat Ulema-e-Islam, was shot and killed.

On October 31, the president of Baloch Students Organization-Azad, Multan chapter, Asim Karim Baloch, was found dead in Khanozai-Ziarat cross area.

On November 9, three persons were killed when gunmen on motorbikes attacked a vehicle in Quetta. In Turbat armed men entered a house and opened fire on the residents.

On November 22, the HRCP and *Dawn* reported the killing of six persons missing from various parts of Balochistan over the Eid holidays. According to the BBC,

Nawab Aslam Raisani, the chief minister of Balochistan, stated that extrajudicial killings in Balochistan were carried out by security agencies.

According to the *Daily Times*, on December 16, another BNP activist, Rais Ali Ahmed Langou, was shot and killed in Kalat, approximately 90 miles from the provincial capital. No one claimed responsibility for the killing, but the BNP blamed a government "death squad" for the assassination.

On December 17-19, three bullet-riddled bodies were found in different parts of Balochistan. Sources said that two bodies were found in Pidrak area in Turbat. According to sources, the victims were kidnapped near Shahraq area some three days before the recovery of bodies. "The victims were shot in the head, and there were also marks of torture on their bodies," hospital sources said.

On December 26, the bodies of four missing Baloch were found in Quetta and Mastung. The two bodies found in Quetta were shot in their heads with their hands tied behind their backs, according to hospital sources. Police recovered the other two bodies from the Dasht area of Mastung District.

The elected civilian government, especially the coalition partner Awami National Party (ANP) in KP Province, remained the target of attacks. On July 24, the son of KP information minister Mian Iftikhar Hussain, Mian Rashid Hussain, was shot and killed. Three days later, a suicide bomber blew himself up near Hussain's home in Peshawar, killing at least eight persons and injuring 15. The Tehrik-ie-Taliban Pakistan (TTP) claimed responsibility for the blast and warned of more attacks on leaders and workers of the ANP. On March 13, Lal Badshah, chief of the Peace Committee of Baizai Tehsi, and his two official guards were killed in Bakhshi Pul area on the outskirts of Peshawar, KP. On August 2, a Muttahida Qaumi Movement (MQM) leader and member of the Sindh Assembly, Raza Haider, and his security guard were shot and killed by unidentified assailants inside a mosque in Karachi, Sindh. More than 100 persons died in the ensuing riots between supporters of MQM, the PPP, and the ANP.

On November 30, Balochistan Governor Nawab Zulfiqar Magsi escaped harm from a targeted remote-controlled bomb attack in Kalat. The Balochistan Liberation Army (BLA) claimed responsibility for the attack. On December 7, Balochistan chief minister Nawab Aslam Raisani narrowly escaped harm, but 10 others were injured, during an attack on his motorcade in Quetta. The Baloch Liberation United Front claimed responsibility.

There were no developments in the August 2009 abduction and killing of Central Joint Secretary of the BNP-M Rasool Bakhsh Mengal in Uthal, Balochistan. In November his younger brother, Nisar Baloch, was abducted from Lasbela district.

There were no developments in the following 2009 incidents: the February 11 remote-control bomb attack in Peshawar which killed Alamzeb Khan, an ANP member of the provincial assembly, and injured seven others; the March 11 suicide bombers' assassination attempt against Bashir Bilour, a senior ANP leader and senior minister in the KP government, which killed four persons; or the December 1 suicide blast in Swat which killed ANP provincial assembly member Shamsheer Ali Khan and injured 11 others.

On June 22, the *Daily Times* reported that the Karachi Police and Antiextremism Cell arrested Asmatullah of the TTP in connection with 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. Asmatullah's brother, Wahab, was the alleged organizer of the attack.

On April 15, a three-member UN commission presented its investigation report of the 2007 assassination of former prime minister Bhutto. The report stated that the former government led by Pervez Musharraf failed to protect Bhutto and that intelligence agencies hindered the subsequent investigation. The widely publicized report concluded that the suicide bombing that killed Bhutto "could have been prevented" and that police action, including the hosing down of the crime scene and failure to collect and preserve evidence, inflicted irreparable harm on the investigation." As of September five suspects were in custody for the 2007 assassination.

Mob violence remained a problem. On August 15, a mob beat to death two young brothers, Hafiz Mughees, age 15, and Hafiz Muneeb, age 19, and hung their bodies up in Sialkot, Punjab. It was reported that the young men were mistaken for robbers. The brothers died in the presence of dozens of onlookers and police officers, who took no action to stop the violence. The Supreme Court, acting on its own, ordered an inquiry, and according to the press, 17 persons were arrested for the killings, including a subinspector of police and several police officers. The head of the Sialkot District police was also jailed on the basis of judicial remand.

b. Disappearance

During the year politically motivated disappearances continued. There were reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado, refusing to disclose their location. Human rights organizations reported many Sindhi and Baloch nationalists were among the missing. There were reports of disappearances during the year in connection with the conflicts in FATA and KP (see section 1.g.).

The Supreme Court continued its hearings on missing persons cases. In March the federal government formed a three-member judicial commission headed by a retired supreme court judge to look into the issue of disappearances. The commission's mandate included preparing a comprehensive list of missing persons, suggesting ways to trace the missing persons, and finding those responsible for their disappearance. In May the commission held several meetings and recorded statements of family members and government officials. The HRCP reported that the creation of a commission on enforced disappearances did not appear to satisfy the hopes for an early resolution of the matter for the families of those who disappeared.

In some cases children also disappeared. According to the AHRC, on October 18, a 14-year-old boy, Abdul Majeed, son of a well-known trader, was abducted, allegedly by the Frontier Corps. On October 24, his body was found in the Koshak River in the Khuzdar District. There were bullet wounds in his head and chest. He was an activist of the Baloch Student Organization Azad.

Amnesty International reported on August 18 that the army stated it was holding 900 prisoners arrested in Swat who would be handed over to relevant agencies. Their identity, whereabouts, and fate remained unknown.

Disappearances from Balochistan remained a problem during the year, with Baloch political groups demanding greater political and human rights. In February Balochistan chief minister Nawab Aslam Raisani told the *Daily Times* that 999 persons from Balochistan were missing. According to the Voice for Baloch Missing Persons (VBMP), more than 785 persons disappeared since January; the bodies of 35 of them were found in different areas in Balochistan. The VBMP estimated that more than 11,000 persons had disappeared in Balochistan since 2001. Ghulam Mohammad Baloch was a member of a committee formed to ascertain the identity of some 800 victims of enforced disappearance. The Balochistan High Court set up a judicial inquiry in April and in September called on the intelligence agencies to assist the investigation of the killings after police complained about their lack of cooperation.

Amnesty International reported that according to family members, Zakir Majeed Baloch, a social worker and vice-chairman of the Baloch Students Organization, was picked up on June 8 by intelligence agency personnel near Mastung, Balochistan. Police refused to register the family's complaint. His fate and whereabouts remained unknown.

There was no update in the case of Jaleel Rakei, a member of the BRP. According to the HRCP, security forces arrested Rakei in February 2009 during a raid on his house in Sariab Kechi Beg. the HRCP also reported that in August 2009 armed law enforcement personnel abducted Saadullah Baloch in Khuzdar, Balochistan. At year's end both men remained missing.

There were reports of disappearances in Sindh Province, where nationalist political parties claimed that some of their members were in the custody of intelligence agencies. Jeay Sindh Qaumi Mahaz (JSQM) leader Sikander Aaksh Mallah and his aide, Noor Mohammad Khaskheli, allegedly were picked up from Hyderabad, Sindh, in October 2009 by the police and intelligence agencies and never seen again. On May 29, JSQM workers held a protest in Karachi over their disappearance.

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. During the year the NGO SHARP reported 4,069 cases of torture by police, of which 2,690 allegedly occurred in Punjab alone. During the year a significant increase in the total number of torture and rape cases was observed, almost double the number compared with 2009. Human rights organizations reported that methods of torture included 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. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country.

The country ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture in 2010. Concerns have been raised over the number and breadth of its substantive reservations, as well as its

reservation to the authority of the Human Rights Committee to request and receive periodic reports on the country's implementation of the ICCPR.

There were accusations of security forces raping women during interrogations. The government rarely took action against those responsible. According to the Women's Action Forum, although the 2006 Women's Protection Act (WPA) amended the Hudood Ordinance, women were still in prison awaiting trial under these laws; however, there was a decline with the passage of the WPA.

On January 24, *Dawn* reported that relatives of a man police say committed suicide while in custody alleged that he was tortured to death after his detention for suspected involvement in a kidnapping case. The relatives rejected the claim that Liaquat Ali Bughio hanged himself with a belt. Rasheed Bughio, a cousin of Liaquat, told journalists that police arrested Liaquat four days before his death. He said his cousin had told him that police were torturing him to force him to confess his involvement in the kidnapping.

On March 3, news channels across the country showed footage of police publicly humiliating seven robbery suspects at the Bhawana police station in Chiniot, Punjab. The victims were first stripped and then tortured in front of a large number of persons. Five police officials, including the SHO, were arrested after the Supreme Court initiated action and called for strict action against the officials.

On May 19, *The News* reported that a 13-year-old girl named Natasha allegedly was raped for 21 days by police after they illegally detained her at the Wah Cantonment Police Station in January. On its own authority the Lahore High Court ordered an inquiry. After the initial investigations by the Rawalpindi police, police arrested the two accused police officials; two others remained at large.

On May 25, *Dawn* reported that a female prisoner, Abida Hameed, allegedly was tortured by police officials in the Sialkot central jail after being sexually harassed. An inquiry was initiated on the orders of the Supreme Court, after which a case against 31 persons, including police officers, was lodged for torturing the woman.

On August 10, the AHRC reported, that Ruby Masih of Karachi allegedly was raped in a private police detention center for more than 50 days by police officers. The victim and her family reportedly were currently in hiding because of continual police threats.

On October 11, the HRCP criticized the torture and humiliation of several death row prisoners at the Singh District prison. Three prisoners allegedly were stripped naked and were not allowed to urinate for hours, despite being forced to drink several liters of water. The HRCP brought this incident to the attention of the Punjab prison chief but never received a response.

By year's end the government had not taken steps to prosecute Subinspector Shujat Ali Malhi and other police officers responsible for the 2008 alleged torture and rape of an unnamed 17-year-old girl in Faisalabad. There were no developments in the 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.

On March 1, *The Nation* reported that Faisalabad remained tense as factions belonging to two different sects clashed over the issue of a disputed mosque. The angry mob burned dozens of cars and bikes and the local police station in Usman Town, Mithopura, within Sargodha Road Police Station's area. The clashes erupted when unknown armed men resorted to indiscriminate firing on the procession near Goll Mosque, critically injuring three persons.

On August 4, *Dawn* reported that a hand grenade attack inside a North Nazimabad mosque in Karachi during prayers left five persons injured, followed by day-long violence that included arson attacks and shooting incidents claiming at least 22 lives in and around Karachi.

The 2009 the HRCP annual report stated there were "592 cases of kidnapping for ransom in the NWFP, 241 in Balochistan, 244 in Punjab, and 163 in Sindh."

### Prison and Detention Center Conditions

Prison conditions were often extremely poor and failed to meet international standards. Overcrowding was common, except for the cells of wealthy or influential prisoners. Prisons and detention centers were largely managed by the provincial governments. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. Prisons in could not be classified as correctional institutions, because the conditions in many of the prisons are so inhumane that criminals often leave more hardened than before their arrest.

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. In many facilities provisions for sanitation, ventilation, temperature, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care; however, in practice it did not always function effectively. Prisoners sometimes also had to pay bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries. There were various reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities.

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

According to SHARP, more than 100,000 prisoners occupied 73 jails originally built to hold approximately 36,000 persons. According to an estimate, the prisoner per capita ratio is 50 per 100,000. According to an August 17 *Dawn* report, all 32 jails in Punjab Province faced acute overcrowding. According to official figures, these jails operated at 42 percent over capacity. According to Punjab Prisons Department officials, overcrowding not only caused security, accommodation, and health problems for inmates but also adversely affected the general administration of jails. The report noted that as of June 30, approximately 52,162 prisoners were in Punjab's prisons, which had an authorized capacity of 21,527 inmates. Of these, 696 were women, and 708 were juveniles.

An official from the Sindh Prison Department noted that in his province the jails were overcrowded but that the department had noted a drop in the number of prisoners. As of the end of the year, a total of 12,908 prisoners were imprisoned in jails with a capacity of 10,450. This indicated a decline from August statistics, which showed an occupancy of 13,886 prisoners in 25 jails across the province. Central Jail Larkana and Malir Jail Karachi were the most crowded in the province. Central Jail Larkana had the highest number of AIDS patients in Sindh. In Sindh jails there were 118 female prisoners and 277 juvenile prisoners.

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. Prison officials often kept juvenile offenders in the same facilities as adults, but in separate barracks. Despite keeping juveniles in separate barracks, at some point during their imprisonment, children would be mixed with the general prison population. Often children were subject to abuse, rape, and violence from other prisoners and prison staff.

On July 2, the Society for the Protection of the Rights of the Child (SPARC) issued a report on the 10th anniversary of the 2000 Juvenile Justice System Ordinance (JJSO), under which jails that held at least 1,300 juvenile prisoners, and as many as 10,000 children, were facing criminal litigation. SPARC noted that the number of juvenile prisoners represented a significant decline from more than 5,000 when the JJSO was issued in 2000. SPARC stated that juvenile prisoners, the majority of whom were awaiting trial, were among the worst off in the country. The jail conditions in which they were held were extremely poor, and they were subject to a slow process and lack of special juvenile courts or judges. Many spent longer periods behind bars because they were unable to pay bail. A fair and just juvenile justice system does not exist in the country, according to SPARC. SPARC's regular visits to juvenile sections across the country revealed that little had changed since the introduction of the JJSO in 2000.

According to SPARC, child prisoners languished in prison, victims of an overburdened, undercommitted, and uncaring justice system and the circumstances that brought them in conflict with the law. Rather than being rehabilitated, the majority of child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Women were held in separate spaces from men in some, but not all, prisons. There were many reports of violence against women and rape in the prisons.

The 18th amendment to the constitution, passed in April, mandates that religious-minority prisoners be given places to worship inside jails. There is an ombudsman for detainees, with a central office in Islamabad and one in each province. It was unlikely that this office would work on alternatives to incarceration or bail. A complaint system existed for prisoners to submit grievances; however, in practice it did not function effectively. Inspectors general of prisons visit prisons and detention facilities to monitor conditions, but visits were not regular. According to

government officials, this system was based on complaints filed by individuals reporting misbehavior of civil servants.

According to SHARP, by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. After submitting the complaint, the inmates must remain in the same prison with the same prison authorities. Therefore, although there were many problems and an available channel for complaints, the prisoners remained silent to avoid confrontation with the jail authorities.

The International Committee of the Red Cross (ICRC) reported great difficulties in accessing detention sites, in particular those holding security-related detainees. In mid-year the ICRC suspended prison visits in Punjab, as access to detainees was no longer conducive to ICRC working modalities. Despite ongoing dialogue with the government, ICRC visits were not authorized in any detention sites in the provinces most affected by violence, namely KP, FATA, and Balochistan. The governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings and offered recommendations to authorities and, where relevant, initiated water-sanitation improvement projects.

Authorities at the local, provincial, and national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates.

According to SHARP, the government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result the situation appeared to deteriorate. Reports of torture increased during the year.

#### d. Arbitrary Arrest or Detention

The law prohibited 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 of the country. By law control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with

branches in Sindh and Punjab. The armed forces are responsible for external security. At times during the year they also were assigned domestic security responsibilities.

Law and order in FATA is administered under the Frontier Crimes Regulations (FCR) through a political agent, who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These included the paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between FATA and the KP; levies, which operate in FATA and report to the political agent; khassadars (hereditary tribal police), which help the political agent maintain order; and lashkars (tribal militias), which are convoked by tribal leaders and political agents to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective.

Police often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims, from attacks (see section 2.c.). 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 (a chief elected official of a local government or mayor equivalent), 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. These mechanisms were sometimes used.

The court system remained the only mechanism available to investigate abuses by security forces.

There were improvements in police professionalism during the year. 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.

In March the Islamabad Capital Police established a human rights cell to encourage persons to report cases of human rights violations either in person, through a

telephone hotline, or via e-mail. Islamabad police also decided to appoint human rights officers (HROs) and members of the community at all police stations. HROs could visit police stations at different times and had authority to interview arrested individuals. If a police officer was reported to be involved in torturing or detaining persons at police stations without justification, HROs could recommend disciplinary action against the officer involved. Provincial and federal law enforcement officers also attended a training course that included human rights, victims' rights, and women's rights. Since 2008 SHARP has provided training to more than 2,000 police officers in human rights.

### Arrest Procedures and Treatment While in Detention

A FIR is the legal basis for any arrest. For certain crimes the police may initiate an FIR. Police ability to initiate an FIR is limited. Often a different party must file the FIR, depending on the type of crime, not whether there is reasonable proof of a crime. An FIR allows police to detain a suspect for 24 hours, after which a magistrate can order detention for an additional 14 days if police show that such detention is material to their investigation. In practice some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe. There were reports that some police detained individuals arbitrarily without charge or on false charges to extort payment for their release. There were reports that some 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 approved investigative detention without determining its cause. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

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 recommend preventive detention for as long as 90 days to the provincial home department and, with the approval of the Home Department, can extend it for an additional 90 days.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood Ordinance and standard criminal codes, there are bailable and nonbailable offenses. The Hudood Ordinance was a law enacted in 1979 by the then military ruler Zia-ul-Haq to implement Islamic Sharia law by enforcing punishments mentioned in the Qur'an and Sunnah for zina (extramarital sex), qazf (false accusation of zina), offense against property (theft), and prohibition (the drinking of alcohol).

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. Judges sometimes denied bail at the request of police or the community or upon payment of bribes. In some cases trials did not start until six months after the FIR, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. In detention facilities, individuals frequently had to pay bribes to visit a prisoner. SHARP estimated that approximately 55 percent of the prison population was awaiting trial. This situation remained unchanged due to lack of change in the judicial system. The high number of inmates awaiting trial remained a large burden on the country's jails. In some cases detainees were informed promptly of charges brought against them.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the 2009 NAB Ordinance established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. During the year the NAB rarely exercised this power. All offenses under the NAB are nonbailable, and only the NAB chairman has power to decide whether to release detainees. In 2009 the government removed the NAB's authority to prosecute politicians on new charges.

Under the FCR in 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. Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to Islamic law and tribal custom.

Accused persons have no right to legal representation or bail, and relatives or members of the same tribe sometimes were detained. Under section 40 of the FCR, even minors can be detained for up to three years. The FCR assigns collective punishment without individual rights, contrary to accepted judicial principles of individual responsibility. Militants in FATA and briefly in Swat imposed their version of Sharia law in makeshift courts; their punishments included public beheadings, stonings, lashings, and fines (see section 1.g.). Antiterrorism courts had the discretion not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty.

In FATA and the less-governed areas of the Provincially Administered Tribal Areas (PATA), security forces may, under the FCR, restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention and were tortured and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; often times family members were not allowed prompt access to detainees.

On January 16, the government filed a petition challenging the Supreme Court's 2009 decision to rule the 2007 National Reconciliation Ordinance (NRO) unconstitutional. Then president Musharraf promulgated the NRO to provide an amnesty mechanism for public officeholders who were charged, but not convicted, in cases filed between 1986 and 1999. During the year the hearing of the review petition against the judgment, as well as petitions challenging the NRO, continued.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; in practice the judiciary was often subject to external influences, such as fear of reprisal in terrorism cases. In nonpolitical cases, the media and the public generally considered the high court and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. According to the Law and Justice Commission of Pakistan, as of May more than 1.1 million cases were pending with the country's lower courts, 150,000 cases awaited the four provincial high courts, and 17,500 cases awaited

the Supreme Court. 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.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated separate judicial systems. In FATA, under the FCR accused persons have no right to legal representation or bail. In specific areas noted in the Nizam-e-Adl regulation (often informally called the Sharia law) in PATA, Sharia law is imposed, and judges, known as qazis, are assisted by religious scholars. Azad Kashmir has its own elected president, prime minister, legislature, and high court. The Gilgit-Baltistan Self Governance Order of 2009 instituted a separate judiciary, legislature, and election commission for the region.

Informal justice systems that lack the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights violations. 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 continued to result in severe backlogs at both the trial and appellate levels. Feudal landlords and other community leaders 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 settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. Women often were sentenced to violent punishments or death for honor-related crimes (see section 6). In Pashtun areas such councils were held under the outlines of the FCR. 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 disputes arose over women and land and often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, "honor killings," or watta-satta marriages (exchange of brides between clans or tribes). The Sindh minister for human rights, Nadia Gabol, called for a ban on jirgas in July. Over the past few years, there were a growing number of reports of militants running their own courts in several tribal agencies and briefly in Swat, 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 declared these rulings illegal, the AHRC reported that some of those involved in implementing jirgas were members of parliament. Militants in the Malakand Division enforced their own form of Islamic justice until the start of military operations in April.

In March 2009 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. Although it was not shown in the video, the militants also flogged the man who accompanied her to the market. In response a spokesman for the militants defended their right to flog female shoppers who were inappropriately dressed, stating that it was permitted under Islamic law. The video's release was instrumental in building national support against militants in the Malakand Division. In April 2009 the chief justice of the Supreme Court, Iftikhar Chaudhry, ordered police and government officials from KP's Swat District to bring the girl to the court and called for a court hearing into the public flogging. Prime Minister Yousuf Raza Gilani strongly condemned the "shameful" incident in a statement issued by his office. Gilani stated that it was contrary to Islamic principles, which teach men to treat women politely and gently.

### 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 brought by the prosecution and present witnesses and 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, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances.

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. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the

courts were free to extend the period. Under normal procedures, the high court 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.

Cases under the Hudood Ordinances are first appealed in the Federal Shariat Court. 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 Shariat courts lacks authority to review the provincial high court's decision. The Shariat Appellate Bench of the Supreme Court is the final court of appeal for Shariat court cases. A 2005 ruling allows the Supreme Court to bypass the Shariat bench and assume jurisdiction in such appellate cases. The Shariat courts may overturn legislation it judges inconsistent with Islamic tenets, but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Under the FCR in 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.

Courts routinely failed to protect the rights of religious minorities. Judges were sometimes pressured to take strong action against any perceived offense to Sunni orthodoxy. Laws prohibiting blasphemy continued to be used discriminatorily against Muslims, Christians, Ahmadis, and members of other religious groups. 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.

During the year an Ahmadi man, Iqbal, was acquitted of charges of blasphemy after spending six years in prison. NGOs reported that bail was sometimes denied in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

In 2009 the Muslim colleagues of a Christian woman, Aasia Bibi, accused her of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In November Bibi was sentenced to death for her crime,

becoming the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal to the guilty verdict. At year's end Bibi was awaiting her appeal to the Lahore High Court (also see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt)).

There were many changes in PATA's judicial administration during the year. PATA, Khyber Pakhtunkhwa, including parts of the former princely states of Swat, Dir, and Chitral, are governed under Sharia law. Due to the country's military intervention in Swat, religious extremists and militants were no longer administering parallel judicial and administrative processes in the Malakand Division (which encompasses the district of Swat.) In addition, in 2009 the country's parliament and president formally enacted the Nizam-e-Adl Regulation 2009. The interpretation and enforcement of the law was sufficiently flexible that it was criticized by the Taliban that was formerly located in Swat. Contrary to Taliban desires, judges were appointed from the existing cadre of the country's judiciary and not from among "religious scholars."

In combination with a new judicial policy originated by the Supreme Court, which provided strict time frames for the initiation of both criminal and civil prosecutions, as well as significant efforts by lawyers and judges to meet the new time lines, the backlog of cases in the Malakand Division was reduced dramatically, in some areas up to 90 percent. In turn this reduced the amount of time that accused individuals spent in jail without benefit of active court process.

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 the 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 Sindhi and Baloch nationalist groups claimed that their members were marked for arrest and detained based on their political affiliation or beliefs. Under the November 2009 Aghaz-e-Huqooqe Balochistan package (which addressed the

province's political, social, and economic problems), the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty some Baloch groups claimed that the illegal detention of nationalist leaders by state agencies continued. The Karachi-based Baloch Rights Council claimed that as of September, there were 1,600 Baloch political prisoners in the custody of security and intelligence agencies.

Some nationalist parties in Sindh, including the JSQM, claimed that their members remained in the custody of government agencies. In a statement issued in August, the Asian Legal Resource Center claimed that in Sindh Province, more than 100 Sindhi nationalists had been arrested or had disappeared and were believed to be held by the military.

#### Civil Judicial Procedures and Remedies

Persons may petition the courts to seek redress for various 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 that 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 sometimes ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender (see section 1.d.). In cases pursued under the Antiterrorism Act, security forces were allowed to search and seize property related to the case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence (ISI), the police Special Branch, and Military Intelligence. Credible reports indicated that authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. NGOs suspected that authorities were monitoring mobile phones and electronic correspondence.

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. 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 militant and terrorist activity continued in different areas of KP and FATA, and there were numerous suicide and bomb attacks in all four provinces and FATA. Militants and terrorist groups, including the TTP, the main Taliban militant umbrella group in the country, targeted civilians, journalists, schools, progovernment community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities (see section 2.c.). A low-level insurgency continued in Balochistan.

The government implemented measures to protect the population. The military engaged in active combat operations to clear militants or security operations to restore security in Khyber, Bajaur, Kurram, Mohmand, Orakzai, and South Waziristan agencies in FATA, and Swat and the Malakand Division in KP. The government also took actions to shut down and weaken terrorist ties around the country and prevent recruitment into militant organizations. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. The government shifted 100,000 troops from the Indian frontier to spearhead a crackdown on the Taliban along the Afghanistan border. Police arrested would-be suicide bombers in major cities of the country, confiscating arms, suicide vests, and attack planning materials. The government continued to operate a center in Swat to rehabilitate and educate former child soldiers.

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 continued to find it difficult to report on military abuses in the region.

In August and September, there was a spate of sectarian violence around the country as government agencies, including the military, dealt with massive flooding.

### Killings

During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. The human rights situation in KP and FATA did not improve. As many as 977 persons were killed there, while another 1,765 were injured in suicide attacks and bombings. Militants in KP and FATA blew up 85 boys' and 55 girls' schools.

In July HRW released an article about extrajudicial killings in Swat. Since February HRW researched alleged human rights violations in Swat based on a list of more than 200 suspicious killings provided by local sources and the independent HRCP. HRW corroborated 50 of the cases. In no case examined by HRW was a killing falsely reported, suggesting that the total number of killings was as high as or greater than that reported.

In April HRW reported that approximately 200 persons were killed extrajudicially by the Pakistan Army in Swat between August 2009 and March 2010. On May 27, an HRCP fact-finding mission reported that security forces had restored peace in Swat and that there were no reports of any Taliban presence. However, it also found that there were approximately 28 extrajudicial killings in Swat after the military operation ended in July 2009 and that dead bodies had typically been found in the hours at the end of curfew.

Militant and terrorist bombings in all four provinces and in FATA resulted in hundreds of deaths and thousands of injuries. As of September 5, according to data collected by the South Asia Terrorism Portal, the media had reported 473 bombings in all four provinces and in FATA that killed more than 1,500 persons and injured 3,500 others. Of these, 49 were suicide attacks that killed 1,100 persons and injured more than 2,100.

There were also reports of attacks on civilians in Balochistan by groups prohibited by the government. According to the report, terrorist and extremist attacks and operations to combat terrorism and extremism resulted in 7,400 deaths, of which nearly 1,800 were civilians, more than 450 were security forces, and more than 5,100 were terrorists or insurgents.

There were numerous militant and terrorist attacks during the year. For example, on January 8, eight persons were killed and 11 injured when a suicide bomber blew himself up at the gate of the headquarters of the militant group Ansar-ul-Islam in the Tirah area of the Khyber Agency in FATA. The bomber was reportedly a member of the rival militant group Lashkar-e-Islam.

On February 3, four female students were among nine persons killed when a bomb targeted a military-led convoy in Lower Dir of KP. At least 115 persons, including 95 schoolgirls, also were injured in the attack. The TTP claimed responsibility for the attack.

On March 9, a suicide bomber blew up a vehicle outside the government interrogation center of the Special Investigation Agency in Lahore, killing at least 14 persons and injuring 89 others.

On March 12, militants in Lahore targeted the military in a twin-suicide attack that killed at least 50 persons. The bombers targeted an area that was home to army officials and military installations, as well as hospitals and schools run by the military.

On April 19, two members of a progovernment village defense committee were shot and killed and three others, including a woman, were injured by assailants in the Koza Bandai area of Swat District.

On April 27, Nazima Talib Mehdi, an assistant professor at Balochistan University, was shot and killed in Quetta, Balochistan. The BLA, a group banned by the government and fighting for an independent Balochistan, claimed responsibility for the killing, threatened more killings, and accused security forces of mistreating Baloch women.

On July 9, 108 persons, including women and children, were killed and 69 injured when two suicide bombers attacked political offices in Yakka Ghund in FATA.

On August 4 in Peshawar, Frontier Constabulary Chief Safwat Ghagyer and three bystanders were killed by a teenage suicide bomber. The TTP took responsibility for the attack, which was widely seen as part of a militant campaign to target high-profile law enforcement and political leaders.

On August 23, 26 persons, including a former member of the National Assembly, were killed and 40 injured when a suicide bomber blew himself up inside a mosque in Wana town of South Waziristan in FATA.

On September 6, nine police officers and four students were among those killed by an attack in Lakki Marwat, KP. The TTP claimed responsibility and stated that it would continue to target security forces with suicide attacks.

On September 7, at least 20 persons were killed and more than 90 injured in a remote-controlled bomb explosion, allegedly by the Taliban, inside a police colony in Kohat, KP.

On September 15, four persons were killed in Bajaur Agency, FATA, in a militant attack on the home of a progovernment tribal elder.

In September a video appeared on the Internet of Taliban militants gathering around a woman with a black hood over her head. The video, which was allegedly taken in KP, shows the militants stoning the woman to death.

On October 3, Mohammad Farooq Khan, a moderate religious scholar and vice chancellor of Swat Islamic University, was shot and killed in his clinic in Mardan along with one of his assistants.

On October 7, two suspected suicide bombers blew themselves up at Karachi's Abdullah Shah Ghazi shrine, killing at least eight persons and leaving more than 60 injured.

On October 18, militants shot a peace committee chief in Doaba Bazaar of Hangu district and put the heads of two other persons on display in Orakzai agency as a warning against resisting the militants.

According to the *Daily Times*, on October 22, unidentified assailants killed the ANP's former district president, Khogh Badshah, in Hangu. Unknown gunmen reportedly opened fire upon Badshah and his security guard in the Doaba area of Hangu.

On November 30, Balochistan Governor Nawab Zulfiqar Ali Magsi escaped unharmed when his convoy was targeted with a remote-controlled bomb. The bomb exploded minutes after the convoy passed in Mongechar area of Kalat District, approximately 75 miles from Quetta.

On December 7, Balochistan Chief Minister Nawab Aslam Raisani was unharmed by a suicide bomb attack on his motorcade in Quetta that killed one of his bodyguards.

According to the *Daily Times*, on December 15, the Taliban attacked a shrine in Peshawar and killed three of its custodians. Police said terrorists attacked the shrine of Ghazi Baba at Badabher and shot the custodians. Three of them died on the spot, while the fourth sustained injuries. In a separate incident, three persons were injured when a police vehicle was targeted with a remote-controlled improvised explosive device in Nagman area of Peshawar.

According to the *Daily Times*, on December 25, a female suicide bomber attacked a gathering of conflict-affected persons waiting to receive food in Bajuar Agency, killing at least 42 persons, including women and children, and injuring scores of others. A local official reported that the suicide attack took place at a World Food Program (WFP) food distribution center in Khar. The bomber was a woman who appeared in full veil and blew herself up while being searched at the center. Witnesses said she threw hand grenades before detonating the bomb. TTP spokesman Azam Tariq claimed responsibility for the attack and stated that it was in retaliation for the Salarzai tribe's activities against the Taliban. The WFP temporarily stopped its food distribution operation in Bajaur following the attack.

### Abductions

During the year there were reports of civilians kidnapped or taken hostage by militant groups in FATA, KP, and Balochistan.

On February 20, *The News* reported that four officials of the international NGO Mercy Corps were kidnapped by unidentified armed men at gunpoint in the Shankai area of District Qillah Saifullah. On June 15, one of the officials, the driver, was killed. The three other officials were released in July.

*Dawn* reported that on March 7, a progovernment tribal elder was found dead in Ferozkhel Mela area of Orakzai tribal region. Malik Taj Mohammed was kidnapped a few days before he was found. According to family sources, the kidnapers never demanded a ransom. At least 23 elders have been killed in Orakzai for supporting government action against militants, and as a result more than 500 elders have moved to other areas.

On May 16, *Dawn* reported that militants ambushed a convoy being escorted by security forces and kidnapped 60 passengers, including women and children, in the Toor Ghar area of Hangu district, KP. After talks with tribal leaders, militants freed 40 of them; 10 remained in the custody of the militants, and another 10 escaped.

On September 7, Ajmal Khan, vice chancellor of the Islamia College University of Peshawar and a cousin of ANP leader Asfandyar Wali Khan, was kidnapped by alleged terrorists in Peshawar.

In April the government successfully negotiated the release of Thanasis Lerounis, a Greek volunteer for a humanitarian organization in KP, who had been kidnapped by the Afghan Taliban in September 2009.

### Child Soldiers

Nonstate militant groups, including the TTP, kidnapped boys and girls and coerced parents with fraudulent promises into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified.

In September 2009 the government opened a rehabilitation center and school in Swat to assist former child soldiers rescued from militants. The center included a team of doctors, psychiatrists, and teachers. As of August there were more than 120 boys, some as young as age 12, attending school and receiving psychological counseling.

### Other Conflict-related Abuses

Militants bombed government buildings and attacked and killed female teachers. The TTP particularly targeted girls' schools, pronouncing its opposition to girls' education; however, the TTP also destroyed boys' schools. As of July, 93 schools were destroyed in Bajaur Agency in FATA. 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.

In KP elected civilian government officials and their families were major targets of attacks, especially those representing the ANP party. On July 24, the son of KP's

information minister, Mian Iftikhar Hussain, was shot and killed. Three days later, during the funeral a suicide bomber blew himself up near Hussain's home in Peshawar, killing eight persons and injuring 15.

As a result of militant activity and military operations in KP and FATA that began in 2008 and continued throughout the year, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the year, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodation, or in camps. The government and the Office of the UN High Commissioner for Refugees (UNHCR) collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home (see section 2.d.).

## 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 the government respected these rights in practice. Citizens generally were free to criticize the government publicly or privately without reprisal; however, they were restricted when criticizing the military. The government impeded criticism by monitoring political activity and controlling the media, and security forces at times harassed journalists. There were instances of the government shutting down private television channels and blocking certain media outlets from broadcasting. Journalists and their families were arrested, beaten, kidnapped, and intimidated by militants and criminal elements, leading many to practice self-censorship.

The independent media were active. Previously unreported events, such as persecution of minorities, were covered; however, the media faced some restrictions. There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information and Broadcasting 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 NGO Intermedia reported that the state broadcaster, Pakistan Television (PTV), did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. The military had its own media monitoring wing, Inter Services Public Relations.

The few small, privately owned wire services and privately owned media outfits generally practiced self-censorship, especially on news reports involving the

military. To publish within Azad Kashmir, owners of newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The government-owned and government-controlled PTV and Pakistan Broadcasting Corporation operated radio stations throughout the country. The Pakistan Electronic Media Regulatory Authority Ordinance did not extend to FATA or the PATA, and independent radio stations were allowed to broadcast in FATA with the permission of FATA Secretariat.

Foreign magazines and newspapers were available, while international press agencies maintained in-country correspondents who operated freely, although some had difficulty receiving journalist visas. There were few restrictions on international media, with the important exception of a complete blockade of Indian television news channels. Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were available, but sometimes were shut down for periods of time by the Pakistan Electronic Media Regulatory Authority (PEMRA).

In December 2009 the Ministry of Information and Broadcasting issued PEMRA Rules 2009, which contained regulations regarding television channels and a code of conduct for media channels as well as cable operators. The broadcasters asserted that the language of the broadcast laws had been kept vague, leading to instances of abuse and arbitrary broadcast restrictions by PEMRA. According to a September 20 PEMRA press release, "PEMRA has undertaken a series of crackdown against cable operators relaying channels that are not in consonance with PEMRA Laws. This action is in addition to the 50 cable networks seized by PEMRA Authority last week on account of similar violation (unlicensed and unauthorized channels)." In the month of August alone, PEMRA shut down 43 television channels that did not comply with the rules.

On August 8, the transmissions of two of the country's private television news channels, Geo TV and ARY News, were blocked. According to the *Daily Mail*, the government prohibited the media from covering an August shoe-throwing incident against President Zardari during a meeting with British Pakistanis in the United Kingdom. The two Pakistani television channels managed to secure footage of the incident, but they had their transmission blocked. According to the *Guardian*, when some cable operators refused to obey the prohibition and broadcast the footage, gunmen fired at their staff and offices. The offices of two cable operators

in Karachi were set on fire when operators refused to shut down transmissions of feeds from GEO TV and ARY News. The government denied any role in the attacks and termed them a result of a clash between cable operators and the television networks in question. However, a private company blocked the television channels' news signals. In addition, copies of *The News* and the *Daily Jang* newspapers were burned, allegedly by activists of the ruling PPP, because they printed news about the shoe incident. According to *The Nation*, on October 17, the ruling PPP announced a decision to boycott Geo and Jang Group for distributing propaganda against the party since it assumed control of the government. On October 23, the PPP issued a show-cause notice to former minister of information and current PPP member of the National Assembly Sherry Rehman and suspended Safdar Abbasi, a close confidant of slain former premier Benazir Bhutto, for appearing on Geo TV programs. PPP party supporters later launched violent protests outside Rehman's house in Karachi.

The government continued to restrict and censor some published material. Foreign books needed to pass government censors before being reprinted, but there were no reports of book bans during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure.

During the year media outlets and journalists and their families were subject to violence and harassment by security forces, political parties, militants, and other groups. Journalists also were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to a report published in December by the Committee to Protect Journalists (CPJ), eight journalists were killed during the year. There were no reports that authorities had identified suspects in any of the cases, which included the following:

- The *Daily Times* reported that on September 14, journalist Misri Khan was killed in Hangu District, KP, by militants from the TTP, who claimed that "he twisted facts whenever we gave him any reports" and "leaned towards the army."
- On September 16, journalist Mujeebur Rehman Saddiqui, a *Daily Pakistan* correspondent, was killed by gunmen in Dargai, KP.

- According to the CPJ, on November 18, the body of journalist Lala Hameed Baloch, who had been kidnapped in late October, was found along with the body of a second journalist, Hameed Ismail, with gunshot wounds outside of Turbat, Balochistan Province. Baloch's family, local journalists, and the Pakistan Federal Union of Journalists believed that he was seized by security officials and targeted for his political activism.

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During the year there were also a number of reports of journalists being subjected to physical attack, harassment, intimidation, or other forms of pressure, which included the following:

- On July 7, the Taliban threw a grenade at the home of Din News television reporter Imran Khan in Bajaur, FATA, injuring eight members of his family. He and his sister had been hospitalized earlier for injuries sustained in a kidnapping attempt.
- On July 22, Sarfraz Wistro, the chief reporter of the *Daily Ibrat* newspaper, was attacked and beaten unconscious by five men near his home in Hyderabad, Sindh.
- On September 4, Umar Cheema--the senior member of the investigation cell of a leading media group, *The News*--was abducted and taken to an unknown location, where he was blindfolded and beaten, had his hair shaved off his head, and was hung upside down and tortured. His abductors threatened more torture if "he didn't mend his ways" and told him the editor of investigations, Ansar Abbassi, would be next. He was dropped outside of Islamabad six hours later. Cheema went public with the abuse, and *The News* covered his abduction in detail in print, as did television channels. Police filed a case immediately against the accused, the government formed a joint investigation team to probe the incident, and the Lahore High Court took notice of the case. As of year's end, and after nearly four months of investigation, the team had not issued any conclusive findings.

On July 9, the Punjab Assembly unanimously passed a resolution criticizing certain sections of the media for their "irresponsible role" against political and nonpolitical personalities in the wake of reporting on parliamentarians allegedly holding fake or nonrecognized higher education degrees. After widespread criticism and protest rallies by the media and civil society organizations, another

promedia resolution was passed by the Punjab Assembly on July 13, acknowledging "journalists' role in the movements for restoration of democracy and supremacy of judiciary." Media groups continued to demand the withdrawal of the July 9 resolution.

In August 2009 *Daily Asaap*, the most widely circulated Urdu-language newspaper in Balochistan Province, suspended publication, citing harassment from security forces. At year's end the *Daily Asaap* remained closed.

In December 2009, according to the *New York Times*, Kamran Shafi, a leading columnist and a former army officer who wrote critically of the military, was harassed and his house allegedly was attacked by elements linked to the security establishment.

### Internet Freedom

Individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, there were reports of some restrictions on access to the Internet and reports that the government monitored the Internet, some e-mail, and Internet chat rooms. There were also reports that the government attempted to control some Web sites, including extremist and proindependence Baloch Web sites.

The Prevention of Electronic Crimes Ordinance of 2008, promulgated by President Zardari, is in effect. The ordinance created a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. It also stipulated that cyberterrorism resulting in a death would be punishable by the death penalty or life imprisonment.

In June the government announced monitoring of major Web sites for anti-Islamic content. The Pakistan Telecommunications Authority (PTA) was given the responsibility by the Ministry of Information and Broadcasting to monitor major Web sites, including Google, Yahoo, Amazon, and MSN, while 17 Web sites containing "blasphemous material" were also blocked. The actions were taken after the Lahore High Court, which was hearing private petitions against blasphemous Web sites, ordered the government to monitor or block such sites. PTA officials, however, contended that it was not possible to monitor all such Web sites and that such "interference" could affect businesses and discourage on-line commercial activities.

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 semiurban areas. *Intermedia* reported that broadband Internet was accessible in 170 cities and towns. Lack of infrastructure limited public access in rural areas.

There were no reports that the government attempted to obtain or disclose the personally identifiable information of a person in connection with that person's expression of beliefs.

In May the PTA blocked the popular social networking Web site Facebook nationwide for 10 days after the Lahore High Court ordered its closure when members utilized the site for a competition to draw caricatures of the Prophet Muhammad.

#### Academic Freedom and Cultural Events

The government generally did not restrict academic freedom. However, members of student organizations, typically with ties to political parties, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. 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-Islam,), 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 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 prohibited political activity on many campuses, but the ban had limited effect.

There was no government interference with most art exhibitions or other musical or cultural activities. However, the Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content in foreign and domestic films before exhibition in the country.

#### 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 persons without police authorization. Under the criminal procedure code, the government can place a ban on all kinds of rallies and processions, except funeral processions, based on security considerations.

There were reports that police beat demonstrators and shelled them with tear gas. For example, on May 27, police charged teachers protesting in front of the Governor's House in Karachi, Sindh, resulting in injury to approximately 30 persons and dozens of arrests. Ahmadis also were prohibited from holding conferences or gatherings.

### Freedom of Association

The constitution provides for the right of association subject to restrictions imposed by law. According to the Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

During the year threats to civil society continued, with "softer targets" such as schools, becoming more frequent focuses of attacks. Toward the end of the year, a trend emerged, particularly in the vicinity of Peshawar, of bombs being planted and detonated at schools during times when children could be expected to be present. During the year five such bombings killed 13 students and injured 112.

Security was a problem for NGO workers due to the instability in the FATA and the KP and threats to organizations that promoted women's rights. By year's end seven NGO workers had been killed, seven had been kidnapped but later released, and several others had received threats.

International NGOs faced difficulties in obtaining visas for staff members. There were reports that security agencies blocked the issuance of visas for international staff members due to concerns about their activities and links to foreign governments.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, and for uninhibited foreign travel, emigration, and repatriation; the government limited these rights in practice. The law prohibits travel to Israel, and the country's passports include a statement that they are "valid for all countries except Israel." Government employees and students must obtain "no objection certificates" from the government before traveling abroad. This requirement rarely was enforced for students.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, and other persons of concern. However, the government's restrictions on access to certain areas of FATA, KP, and Balochistan, often due to security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

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. The ECL sometimes was 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.

There were no reports of restrictions on emigration or prohibition against repatriation. The law prohibits forced exile, and no case of forced exile was reported during the year.

Internally Displaced Persons

The government does not have laws to protect IDPs, but implemented policies to assist them, meeting some of the UN *Guiding Principles on Internal Displacement*. The National Database and Registration Authority (NADRA) registered most IDPs

and provided them with identity cards in 2009 and early 2010. Registration of women and Ahmadis continued to be a problem. In more conservative regions within the country, particularly rural areas, a women's right to vote or be registered is not recognized. As Ahmadis are not recognized as Muslims in the country, they must declare themselves to be non-Muslim in order to receive a NADRA identity card. For this reason many Ahmadis refused to register. The registration served as a basis for the distribution of cash assistance for many IDPs displaced by conflicts. However, the registration process did not reach all IDPs, since the government denied registration to IDPs from specific geographical areas that it did not consider conflict areas.

During the year the number of IDPs fluctuated due to militant activity and military operations in KP and FATA, as well as nationwide flooding during the months of August and September.

Population displacement due to militant activity in FATA and KP began in 2008 and a larger population displacement from Lower Dir, Buner, and Swat districts of the KP occurred as a result of military operations beginning in April 2009. The total number of conflict IDPs at its peak in April/May 2009 rose to 3.4 million nationwide. In July 2009 the KP government and the humanitarian community came to an agreement for a voluntary, informed, dignified, safe, and sustainable return of the IDPs. KP authorities, in coordination with the international humanitarian assistance community, implemented a phased, facilitated return plan.

Military operations in FATA at the beginning of the year led to approximately 20,000 new IDPs coming from the Orakzai Agency and the Kurram Agency. Continuing sectarian violence in Kurram further increased the number of displaced families, possibly by an additional 2,000. The military operation launched in September 2009 in Bara (Khyber Agency, FATA) created hundreds of thousands of IDPs, approximately 30,000 of whom continued to be sheltered in Jalojai Camp. A sizeable number continued to live with host families and rented houses away from Bara.

As of mid-December, approximately 1.2 million persons remained displaced in KP. The majority of conflict-affected IDPs resided with host families, in rented accommodations, or, to a lesser extent, in camps. The government continued to consolidate and close IDP camps during the year. Of the few remaining, Jalojai camp in Nowshera District of KP hosted the largest in-camp conflict-affected IDP population, with an estimated 96,000 residents, mostly from Bajaur Agency.

A survey conducted in October by the UNHCR among IDPs from South Waziristan sheltering in Dera Ismail (DI) Khan and Tank districts revealed that 85 percent of those surveyed wanted to return to their areas of origin; of this number, 44 percent felt comfortable returning immediately. The government continued to facilitate voluntary returns to Orakzai and South Waziristan agencies with support from the international humanitarian community. As of December 23, the UN reported that 4,664 families had returned to Orakzai and 307 families had returned to South Waziristan.

The government severely restricted humanitarian organizations' access to parts of FATA and KP, particularly to South and North Waziristan and DI Khan and Tank districts, during the year. With the onset of the flooding, however, some humanitarian space opened in northwest Pakistan, with the government easing access requirements, such as temporarily waiving certain requirements for visas and no-objection certificates.

The HRCP invited the government to develop a template for protection and assistance of IDPs. In its report, *Internal Displacement in Pakistan: Contemporary Challenges*, the commission recommended proactive measures for averting displacement, mainly by early identification of threats, close and continued assessment and monitoring of risks, and adoption of appropriate responses. The report noted that "provisions must be made for individuals who face additional vulnerabilities on account of their age, gender, religious beliefs, health condition and physical and mental disabilities." Referring to the UN Guiding Principles on Internal Displacement, the report also noted that prior to any decision requiring the displacement of persons, authorities should ensure that all feasible alternatives are explored to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects. The report underlined the need for making efforts to mitigate the impact on the affected population in cases where displacement is unavoidable, adding that there must be greater recognition of the importance of assisting the displaced persons beyond the immediate emergency response and of assessing and responding to the needs of the affected population throughout the various phases of displacement.

According to the UN Children's Fund (UNICEF), nearly 50 percent of the estimated two million IDPs from Swat in July 2009 were children, many of them in urgent need of health and educational services, nutritional support, access to clean water and sanitation, in addition to protection.

According to *The News*, children in KP were most vulnerable to the effects of the insurgency before, during, and after their displacement. Loss of family members and exposure to horrific violence left many struggling with a sense of uncertainty, insecurity, and fear.

On July 29, floods of unprecedented proportions began. By the end of August, approximately 61,800 square miles were flooded. The flooding created a humanitarian crisis throughout the country, killing more than 1,900 persons and affecting approximately 20 million others. The number and location of citizens displaced fluctuated as the waters moved downstream, overflowing both banks of the Indus River. According to the UNHCR, as of December 14, the number of camps for flood-affected persons in Sindh Province had dropped significantly from 4,800 at the height of the crisis to 340, with dozens of camps being closed daily; the camp population in Sindh in mid-December stood at 128,000. In Balochistan Province, an analysis conducted by the Balochistan Rural Support Program indicated that 7,759 families were residing in camps in the province during the first week of the emergency, while the number had dropped to 4,315 families in week eight. The UNHCR reported that only 12 IDP camps remained operational in Balochistan as of mid-December. In KP Province in mid-December, the UNHCR was profiling 3,300 families scattered in 39 spontaneous camps. In Punjab Province, more than 95 percent of the flood-affected persons had gone back to their homes by mid-December.

The government (including provincial governments) launched rescue and relief operations conducted by the National Disaster Management Authority (NDMA) at the federal level and by relevant agencies at the provincial level, assisted by the country's military, foreign military units, various UN agencies, the Pakistani Red Crescent, and the ICRC. More than 20,000 army troops including medical teams, along with dozens of helicopters, several C-130 aircraft, and over 1,000 boats, were mobilized to undertake flood relief and search and rescue operations throughout the country and distribute relief supplies to displaced and isolated populations. Simultaneous work was undertaken to strengthen banks vulnerable to floods. In some places breaches were engineered to control floods and disrupted communication networks were quickly restored by temporary structures.

On September 8, the NDMA announced the registration and compensation process for flood-affected families. The program called for providing 20,000 rupees (approximately \$235) to each of the approximately 3.4 million flood-affected families. The compensation registration process was to be led by provincial social welfare departments, with assistance from the UNHCR and the NADRA.

As of late October, the NDMA reported the distribution of more than 1.1 million blankets, 184,035 tons of food items, and the rescue of almost 1.4 million persons. A broad range of NGOs also worked with the government to provide emergency relief and early recovery support to the affected populations throughout the country, including clean water, food, shelter, and basic health care.

The country's media and humanitarian assistance providers reported instances of alleged discrimination in the distribution of food and relief items on ethnic, nationality, religious, social, or other grounds, including gender. The government asked humanitarian organizations to report any such instances to NDMA. In Balochistan, the UNHCR reported cases where beneficiaries were charged money to receive Watan cards (government-provided cash cards) and instances of gender-based violence related to the abduction of girls, forced marriages, and domestic violence.

The government coordinated with the Office of the High Commissioner for Human Rights for the voluntary and safe return of IDPs. For IDPs that were not ready to return, the government coordinated support for IDP camps with the UNHCR and other international organizations. The WFP distributed food rations to the IDPs displaced by conflict.

### Protection of Refugees

The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. There is no legislation that provides for asylum or refugee status. Although there is no legislation excluding asylum seekers and refugees from the provisions of the Foreigners Act regarding illegal entry and stay or conferring legal status, the government in most cases provided protection against the expulsion or involuntary 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 UNHCR, at the end of the year, an estimated 1.6 million registered Afghan refugees remained in the country, while another 104,331 voluntarily repatriated to Afghanistan during the year. There were no credible estimates of how many Afghans were undocumented or unregistered, but rough estimates put the number at more than one million. At the end of

December 2009, Afghan refugees' proof of registration (PoR) cards expired; however, on March 24, Prime Minister Gilani extended PoR status through December 2012. The new PoR cards were more durable and had features that made duplication more difficult (i.e., holographic lamination). In addition, as of September the NADRA agreed to issue Afghan birth certificates at PoR card renewal centers to all Afghan children under the age of 18 born in the country (as opposed to only issuing birth certificates to Afghans born in refugee camps).

On May 7, the UNHCR-Afghanistan-Pakistan Tripartite Agreement governing the voluntary repatriation of registered Afghan refugees was extended until the end of 2012. Under the agreement the three parties reaffirmed their commitment to the voluntary, gradual, and dignified return of Afghan refugees. However, from January to July, the government deported 240 Afghans with PoR cards. There were also credible allegations that the government deported between 50 and 60 unregistered Afghans per week.

According to the UNHCR, less than half of registered Afghan refugees lived in 84 refugee villages in KP (71), Balochistan (12,) and Punjab (one). Close to 60 percent of the registered Afghans lived in urban areas. More than half of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

Refugees were not allowed to work legally. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces such as morgues.

Police in some cases demanded bribes from refugees. There were credible reports that members of the intelligence services also harassed refugees. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates and terrorism. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

The floods did not affect refugee access to services, except in the case of the Afghan refugee village of Azakhel, KP, where the government did not authorize the former residents to return to their destroyed village to rebuild it. At the end of the year, 3,000 refugee families were still displaced, living in tents in the proximity of the village, or staying with relatives or in rented rooms. The UNHCR was assisting these families until the government authorized them to return to the

village, which stands on valuable land over which there are competing property claims.

Afghan refugees could avail themselves of the services of police and courts, but some, particularly the poor, were afraid to do so. Every refugee who registered with both the UNHCR and the government-run Commission for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. In practice there were no reports of refugees being denied access to health facilities.

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 were open to local government or even individual interpretation. For example, the State Bank governor decided that Afghans could not have bank accounts, but NADRA regularly verified for banks the identity of refugees who wished to open accounts.

Although there is no legislation specifically permitting Afghans to obtain a driver's license, Afghans drove a large percentage of the trucks in the KP. Although there were a number of Afghan schools funded by foreign assistance, Afghan children usually had no problem attending the country's primary schools. For older students, particularly in cities, access was harder. Even Afghans who grew up in the country needed a student visa to attend the country's universities, but they qualified for a student visa on the basis of their PoR card. In some cases of particularly serious crimes, the UNHCR took up legal cases on behalf of refugee victims.

The government did not accept refugees for resettlement from other countries or facilitate local integration. While the government did not have a system to confer refugee status or asylum, it generally abstained from forcibly returning Afghans and other foreigners with PoR cards.

### Stateless Persons

The UNHCR reported that statelessness emerged as an issue in the country during the year. There is no national legislation on statelessness. The stateless persons in the country were primarily individuals with links to Bangladesh. The UNHCR reported that while accurate data was not available, various sources put the number of affected persons in the thousands.

### 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 peacefully, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, Azad Kashmir, and FATA had different political systems, and of these only FATA had representation in the national parliament. Under the 18th amendment to the constitution, adopted in April, the president's power to dissolve parliament was relinquished and shifted to the prime minister.

Residents of Gilgit-Baltistan did not have representation in the national parliament. In September 2009 President Zardari signed the Gilgit-Baltistan Empowerment and Self-Governance Order, under which the portions of the country known as the Northern Areas were afforded attributes of a province and renamed Gilgit-Baltistan (although still without parliamentary representation).

Residents of FATA were represented 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, since unelected civil bureaucrats nominally ran the tribal agencies. The elected councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. The Political Parties Act does not apply to FATA, and no political party can legally campaign or operate an office there. In March Prime Minister Gilani announced the government's intention to extend the act to FATA after peace is restored there; 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 openly campaigned in FATA, despite the law.

Azad Kashmir did not have representation in the national parliament. Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president who is elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections, and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, the federal government exercises considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercises significant influence over

daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir's accession to the country were barred from the political process, government employment, and educational institutions. They were also subject to surveillance, harassment, and sometimes imprisonment by security services. The 2006 legislative elections in Azad Kashmir were marred by allegations of rigging.

### Elections and Political Participation

In 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 Syed Yousuf Gilani. The elections were postponed multiple times, the last time due to the assassination of PPP leader Benazir Bhutto in 2007. In the 2008 indirect presidential election, Asif Ali Zardari, the widower of Bhutto, became president, succeeding Pervez Musharraf, who had resigned. The broad coalition government was dissolved in 2009, leaving the PPP to govern with a smaller majority in league with several partners.

For the 2008 elections, the Election Commission of Pakistan (ECP) reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU and Democracy International also observed. In 2008, for the first time in the country's history, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency.

The government permitted all existing political parties to contest the elections; although several boycotted, the largest parties participated. The government required voters to indicate their religion when registering to vote. The Ahmadi community rejected the country's legal prohibition on the Ahmadis being called Muslims. In order to register to vote, the government required Ahmadis to declare themselves as non-Muslims; as a result, the Ahmadis boycotted the elections. International and domestic observers found the 2008 parliamentary election competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process.

Security services and feudal landlords intimidated voters and political parties throughout the country, according to FAFEN. In particular, observers noted that

some 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 certain parties. FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The International Foundation for Electoral Systems noted that formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

There are no laws that prevent women from voting; however, cultural and traditional barriers in tribal and rural areas impeded some women. Women participated in political life. 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. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections to the general seats. 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, Fahmida Mirza. Of the 758 seats in provincial assemblies, there were 128 reserved for women. One-third of the seats in local councils were reserved for women. Provincial chief ministers named women to serve in their cabinets. In some districts, social and religious conservatives prevented women from becoming candidates. Women also participated actively as political party members, but were not always successful in securing leadership positions within parties, with the exception of in the women's wing.

The 18th amendment to the constitution that passed in April reserved four seats to the Senate for religious minorities. There were 10 religious minority members in reserved seats in the National Assembly, and one served in the cabinet as the federal minister of 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 KP; and three in Balochistan.

The first elections in Gilgit Baltistan were held in November 2009 for a 24-member legislative assembly, with the PPP winning the majority of the votes. Syed Mehdi Shah of the PPP was chosen as the first-ever chief minister, replacing direct rule by the federal government. According to a preelection analysis by FAFEN, government interference, weak administration, procedural irregularities, and erroneous voter lists affected the election results. Although the election was largely peaceful, two persons were killed and at least 40 were injured in several incidents

of violence. On March 23, Shama Khalid took the oath as governor of Gilgit-Baltistan, becoming the country's second-ever female governor of a province; however, she died from cancer on September 15.

#### Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The NAB established accountability courts to consider corruption cases (see section 1.d., arrest procedures). Some human rights groups charged that the NAB was a deviation from the normal justice system and that the government influenced the NAB. However, the NAB took on cases of embezzlement, bank loan defaults, pension scams, and illegal kickback schemes, among others.

Corruption was pervasive in politics and government and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. According to a July Transparency International report, corruption perception worsened compared with 2009. The report indicated a rise in corruption, to 223 billion rupees (\$2.6 billion) during the year from 195 billion rupees (\$2.3 billion) in 2009. The police and the bureaucracy continued to be seen as the two most corrupt public sector institutions.

A 2007 NRO, promulgated under President Musharraf, provided an amnesty mechanism for public officials who were charged, but not convicted, in cases filed between 1986 and 1999. In December 2009 the Supreme Court declared the NRO null and void, reopening all 8,000 cases against those who had received amnesty, including the president, ministers, and parliamentarians. However, on January 16, the Zardari government filed a petition challenging the Supreme Court's 2009 decision, requesting its review. As of year's end, the issue remained unresolved.

In light of the NRO being struck down, the Supreme Court ordered the government to request that Swiss authorities reopen the money laundering case in Switzerland that had been brought against President Zardari. As of year's end, the government had not complied with the order. In addition, Swiss judicial authorities reportedly cited presidential immunity and did not independently reopen the case. Both President Zardari and the late PPP leader Benazir Bhutto had been convicted by a Geneva court in 2003 of laundering \$13 million linked to kickbacks, but the verdict was overturned on appeal. In 2008 Swiss judicial authorities stated that

they had closed the money laundering case against Zardari and had released \$60 million frozen for a decade in Swiss accounts.

In another high profile case in May, the NAB assisted in extraditing former Punjab Bank president Hamesh Khan. He was accused in a nine-billion-rupee (\$105 million-dollar) scam. His case was pending at year's end.

Corruption within the lower levels of the police was common. The July survey by Transparency International noted that the major cause of corruption was lack of accountability, followed by lack of merit and low salaries. Some police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that SHOs' appointments were politicized.

Anecdotal reports persisted about corruption in the district and sessions courts, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked the requisite independence and sometimes were pressured by superior court judges how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government's control over the court system.

The 2002 Freedom of Information Ordinance allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. The bodies must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those that would be harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Other groups that reported on issues implicating the government, military, or intelligence services faced restrictions on their

operations. There were very few NGOs with access to KP, the FATA, and some areas in Balochistan. While government officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The PPP-led government delayed or blocked issuance of visas to international staff members of organizations whose work challenged the image of the government.

The government sometimes 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 access to police stations and prisons.

The government permitted international nongovernmental human rights observers to visit the country. The ICRC and many agencies of the UN had offices in the country, including the UNHCR, UNICEF, and the UN Development Program.

The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful forums in which to raise public awareness of such problems, but their final decisions generally adhered to government policy. The committees did not have the resources to do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several 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, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is either death or life imprisonment, but sentences were often less severe. Although rape was frequent, prosecutions were rare.

The 2006 WPA 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. A provision in the WPA also modified the complaint procedure in rape cases. Instead of a FIR, it requires a complaint to be made directly to a sessions court. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it difficult for women to go to the police, NGOs reported that this created other barriers for rape victims who did not have money or access to the courts. A February 2009 ruling by the Federal Shariat Court invalidated a 25-year-old legal provision allowing a man accused of rape to question the credibility of the victim by offering evidence that she was "of generally immoral character."

There were no reliable national statistics on rape due to the underreporting and the lack of a central law enforcement data collection system. However, based on media reports, the NGO Aurat Foundation reported that 928 women were raped during the year.

Prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to assess real cases and proceed with prosecution. NGOs reported that police at times were implicated in rape cases. NGOs also alleged that police sometimes abused or threatened victims, demanding that they drop charges, especially when police received a bribe from suspected perpetrators. Some police demanded bribes from some victims before registering rape charges, and investigations were sometimes superficial. While the use of postrape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions.

On June 27, the *Daily Times* reported that the body of Sabir Soomro, the brother of Kainat Soomro, a 2007 gang rape victim, was found near Khuzdar, Balochistan. He had disappeared in March on his way to his sister's hearing. The family alleged that the perpetrators kidnapped him with the help of police to pressure the family into withdrawing the case. All four accused men previously had been acquitted and released. On June 28, President Zardari took notice of the case and ordered a new inquiry; at year's end there was no new information on the inquiry.

There were no developments in the July 2009 case of Assiya Rafiq, who allegedly was held for eight months, repeatedly raped, and then handed over to the Khanewal, Punjab, police, who allegedly raped her over the course of 14 days.

According to a report by the Interior Ministry, during the previous three years, the number of cases of torture and rape by police officials increased by 60 percent. The report stated that 178 police officers in Punjab were involved in rape and other human rights violations, of which 89 were sent to jail. The report found that, during the previous two years, 10 police officers in Balochistan were found guilty of human rights violations and violence against women.

On February 21, the HRCP reported that a 17-year-old Hindu girl, Kasturi Kohli, from Nagarparker, Sindh, was kidnapped on January 24 and gang-raped by an influential landlord, Ramzan Khoso, and his accomplices. Community members protested police reluctance to register the case and approached the Sindh High Court, which then ordered the police to file a FIR. Four persons were charged: Habibullah Khoso, Ramzan Khoso, Ghulam Nabi Khoso, and Veroo Mehraj. No arrests had been made by year's end.

According to the AHRC, on October 26, 13-year-old Naveeda Kalhoro of Sindh Province allegedly was abducted and gang-raped by two lawyers from the Peoples Lawyer Forum, a legal body affiliated with the ruling PPP. Charges were later dropped by police due to pressure from the ruling party and a member of the provincial assembly from the area.

The AHRC reported that Ruby Masih was picked up by police officers and taken to a private detention center, where she was gang-raped for more than 50 days (from August 10 until September 30). Masih's case against the accused officers was dropped due to a jurisdictional issue.

There were no new developments reported in the June 2009 case of the alleged gang rape and killing of a 15-year-old girl by Iftikhar Ahmad and other hospital staff in Sheikhpura, Punjab, or in the October 2009 case of 16-year-old Ruby Perveen, who was allegedly kidnapped and gang-raped by five men, including Qiaser Shahzad, Adeel Shahzad, and Irshad Shahzad, sons of a political party leader. The girl's family disputed the police claim that an out-of-court settlement was arranged.

In November 2009 three of the five alleged perpetrators in the 2008 gang rape case of an 18-year-old woman in Mazar-e-Quaid, Karachi, Sindh, were arrested. According to reports, two were released by police. There were no other updates on the case.

There were no developments in the 2008 rape case of a seven-year-old girl by two men in Lahore; the 2008 case in which a group of men kidnapped, raped, and killed a 13-year-old schoolgirl in Rawalpindi; or the 2008 case of a woman in Mandi Bahauddin, who was kidnapped, gang-raped, and severely burned with acid before being killed.

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 five men, 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, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the cases of reported violence against women increased 12.5 percent from the previous year. The foundation reported that during the year 1,436 women were killed, 2,236 were abducted, 486 were victims of domestic violence, 74 were sexually assaulted, 32 were victims of acid attacks, and 633 women committed suicide. The HRCP reported that there were 371 incidents of domestic violence against women, including 82 attempted killings, 62 being set on fire, 12 burned by kerosene stoves, and 30 acid attacks. In addition, 655 women committed suicide, and another 382 women attempted suicide.

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.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically 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 due to fear of dishonoring the family.

To address societal norms that frown on victims who report gender-based violence and abuse, the government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. There were at least eight women's police stations in the country, located in Quetta, Islamabad, Peshawar, Karachi, Hyderabad, Larkana, Lahore, and Faisalabad. The first was established in 1994 in Karachi. However, they were poorly staffed and equipped.

There is no specific law against domestic violence.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims were later referred to "darul aman" (approximately 200 centers for women and child victims established under the Provincial Women Development Department funds). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers were full beyond capacity and lacked sufficient staff and resources. In some cases women were abused at the government-run shelters. Women were victims of various types of societal violence and abuse, including "honor killings," mutilation, forced marriages, imposed isolation, and being used to settle disputes. Women often were treated as the property or goods of their families, and perpetrators were often husbands and other male family members.

Every year hundreds of women reportedly were killed in the name of honor. Many cases went unreported and unpunished. *The News* reported that in 2009, 29 women and 15 men were killed in 25 honor-killing incidents in KP. During the year 39 women and 29 men were killed in 20 incidents of honor killing. The HRCP reported that during the year there were 790 honor killings in the country. The practice of "karo-kari," which occurred in Sindh Province, continued across the country. Karo-kari is a form of premeditated honor killing that occurs if a tribal court or jirga determines that adultery or some other "crime of honor" occurred. Karo-kari means "black male" (karo) and "black female" (kari), metaphoric terms for someone who has dishonored the family or is an adulterer and adulteress. Once a woman is labeled as a kari, male family members have the self-authorized justification to kill her and any coaccused karo to restore family honor. In many cases the karo is not killed or is able to flee.

The Criminal Law (Amendment) Act of 2005 increased penalties for karo-kari and other forms of honor killing. However, human rights groups criticized the act because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges, known as "qisas" and "diyat."

Police in Sindh have established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take action against perpetrators.

Many young girls and women were victims of forced marriages arranged by their families. Forced marriage was made a criminal offense in 2007; while many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families continued the practice of sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and the KP. In rural Sindh landowning families continued the practice of "marriage to the Qur'an" to avoid division of property. Property of women married to the Qur'an remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any man older than 14. These women are expected to stay in the home and not contact anyone outside their family.

There continued to be cases of societal violence and abuses directed at women. For example, in September a Dubai-based television station, Al-Aan, released a video of a veiled woman being stoned to death in the northwest by Taliban militants. It was reported that she was punished because she was seen with a man.

On January 19, a 12-year-old Christian housemaid named Shazia Masih was tortured in Lahore by her employers and died three days later from her injuries. A case was filed against her employers, including the main person accused, Chaudhry Naeem, a former head of the Lahore Bar Association. Prior to the trial, more than

300 lawyers reportedly mobbed preliminary court hearings and threatened to burn the home of any prosecution lawyer for Masih's family. According to *The Nation*, on November 25, Judge Chaudhry Ameer Muhammad Khan acquitted Naeem, as the prosecution failed to prove charges against the accused. The court also acquitted Naeem's son, Haris Naeem, and wife, Ghazala Naeem. The judge exonerated another individual accused of taking Masih to the lawyer's family as a child laborer.

In May the AHRC reported that a tribal court in Khaipur Mirs, Sindh, determined 21-year-old Azra Ali Drigh to be a kari and sentenced her to death for wanting to marry outside of her tribe. The court allegedly was chaired by the bride's uncle, a police officer, and her father, also an officer. Sindh Minister for Human Rights Nadia Gabol ordered the inspector general of police to investigate the case and take action against officials who had refused to register the case. At year's end the sentence had not been carried out.

On July 1, the *Express Tribune* reported that 17-year-old Sania Bibi was killed by her uncle near Islamabad for allegedly marrying a person of her own choice and going against the family's will. Earlier, Bibi's family had lodged a kidnapping case against the man she decided to marry; however, Bibi told the court that no kidnapping had occurred.

On July 5, *Dawn* reported that a group of 14 persons stripped naked a 50-year-old woman, Allah Wasai, and her 14-year-old daughter, Ashraf Mai, in Shehr Sultan, Punjab, while a crowd of onlookers offered them no assistance. According to police, the accused claimed that their actions were in retaliation for an earlier dispute with another group (with which the women were associated) over irrigation water. Several persons from both groups were injured during the dispute. After the Lahore High Court initiated action, police arrested three of the accused, while the others remained at large.

On July 20, the *Express Tribune* reported that 13-year-old Sadia fled her home in Sheikhupura, Punjab, the night before her father and uncle could force her to marry a 55-year-old man in exchange for 70,000 rupees (approximately \$800). The Lahore High Court ordered the police to provide her with protection and to have her summoned on July 27. However, on July 25, she was kidnapped, allegedly by other male relatives, and remained missing at year's end.

There were no developments in the June 2009 case of a woman who had married against her family's wishes and was later killed, along with her husband's father, mother, and sister, in Charsadda, KP.

There were no developments in the 2008 case of two teenage girls and three women in Baba Kot, Balochistan, who allegedly were buried alive in an honor killing. After the case prompted media controversy and criticism 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 pending in court.

Sexual harassment was a widespread problem. Press reports indicated that harassment was especially high among domestic workers and nurses. In a survey conducted by the *Daily Times* in August, female government and private-sector employees complained about the abusive behavior of their male colleagues as well as senior officials. They said that some officers sought "undue favors" by blocking salaries, benefits, promotions, as well as transfers and postings.

In March the government passed two laws against sexual harassment in the workplace. The Criminal Law (Amendment) Act amended the penal code and the code of criminal procedure, making workplace harassment against women punishable with imprisonment of up to three years or a fine of 500,000 rupees (\$5,880) or both.

The second, more comprehensive law, the Protection against Harassment at the Workplace Act of 2010, includes a more detailed definition of harassment and proposes a code of conduct as a guideline for workplace behavior. The law requires every institution, public or private, to form a committee to receive complaints of sexual harassment and to institute a code of conduct prescribed by the law as a part of its human resource policies. On July 5, the National Commission on the Status of Women informed the media that 40 ministries and departments working under the federal government had complied with the law and incorporated the code of conduct into their policies. However, women's rights groups demanded further implementation.

According to the AHRC, in May 2009 Maheen Usmani, a senior anchorperson for Dunya Television News in Islamabad, allegedly received two late-night telephone 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. She claimed that she experienced

professional setbacks; on June 15, she resigned, 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 was approached with offers of money and jobs in exchange for dropping the case.

According to *The Nation*, M. Zar Nigar Ali of PTV accused the head of the current affairs department, Tahir Mahmood, of sexual harassment and threatening behavior. Ali allegedly received late-night telephone calls from Mahmood in which he made threats if she did not reciprocate his advances.

Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and rights and often lacked information and means to access care. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy.

According to the UN Population Fund's (UNFPA) 2007 data, 22 percent of women between the ages 15 and 49 used modern contraceptive methods. Access to contraception remained very low in the rural areas compared with urban areas (18 percent and 30 percent, respectively). Only 39 percent of births took place in the presence of a skilled birth attendant. An assessment by the Population Council of postpartum care in low socioeconomic-level settlements, where few women attended the recommended six weekly postpartum visits, indicated that spousal opposition was the main reason for not opting to delay the next pregnancy and use contraception. According to the *2006-2007 Demographic and Health Survey*, 35 percent of women received no prenatal care.

According to a 2007 UNFPA estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. According to UNICEF's *2009 State of the World's Children Report*, the country had a rate of 276 maternal deaths per 100,000 live births; the high maternal mortality rate was attributed to lack of information and services. Women in rural areas were twice at risk of dying of birth-related causes than women in urban areas (maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to

UNICEF, the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA. In a conservative society, women and children are also the most vulnerable to economic shocks and natural disasters.

Women were less likely than men to be diagnosed and treated for sexually transmitted infections, including HIV, due to the social stigma attached to visiting a doctor, among other factors. According to the National AIDS Control Program, the country had an estimated 97,400 HIV cases, of which approximately 27,000 were women age 15 or older. Although HIV prevalence among women was less than 1 percent, some groups of women, including professional prostitutes, women and girls forced into prostitution, and wives of migrant workers were highly vulnerable.

Women also faced legal and economic discrimination. 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 protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. However, 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 as their families ostracized them. Women are legally free to marry without family consent, but women who did so were often ostracized or faced becoming the victims of honor crimes.

The country's inheritance law also clearly 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 also 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 men other than relatives.

### Children

Citizenship is derived through the citizenship of the father or grandfather, who must have been Pakistani citizens before 1971.

Women can acquire citizenship through marriage to a Pakistani man; it is unclear whether a man can acquire citizenship through marriage to a Pakistani woman. Reporting of births is voluntary, and records are not uniformly kept, particularly in rural areas where children are born at home. 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. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. The number of unregistered births was not available. While the government sometimes reported that more than 75 percent of the population was registered, actual figures may be lower. Public services, such as education and health care, were still available to children without a birth certificate.

The 18th Amendment to the constitution mandates that the government provide free and compulsory education to all children between the ages of five and 16. In practice government schools often charged parents for the cost of books, uniforms, and other materials. Parents of lower socioeconomic means sometimes chose to send children to madrassas, where they received free room and board, or to NGO-operated schools. Studies showed that one-third of the children who attended school attended nongovernmental schools.

Slightly more than 50 percent of the population over the age of 10 is literate. More than 40 percent of girls never enroll in school. This was often perceived as parental lack of desire to send girls to school; however, a 2009 survey indicated that only 6 percent of the population was in favor of banning girls' education. The biggest barrier to girls' education is the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be separate after primary school, the government often failed to take measures to provide separate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than boys across the board.

On February 3, extremists in KP bombed a girls' school, which had just been rebuilt after a previous attack. Four students were killed, and more than 60 were injured. On November 21, Geo News reported that extremists bombed a government-run girls' primary school in KP.

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

Child abuse was widespread. Young girls and boys used as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. Lawyers for Human Rights and Legal Aid (LHRLA) reported that, of 5,120 cases of reported violence and abuse against children, 2,209 cases were reported from the Punjab, 1,529 from Sindh, 929 from Khyber-Pakhtunkhwa, and 453 from Balochistan. According to the data from the LHRLA, 1,062 children were killed and 916 others were injured. In addition, there were reports of 288 children being raped, 149 sodomized, and 211 otherwise sexually assaulted. Similarly, there were reports of 648 children molested, 572 tortured, 200 trafficked, and 364 missing, while 202 children committed suicide. One hundred and twenty-one children were killed on the pretext of karo-kari, 799 were kidnapped, and 167 were forced to marry. Despite the Child Marriage Restraint Act, which prohibits child marriage, child marriages occurred. The act sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, 1,000 rupees (approximately \$12), or both. In practice the penalties were too low to have any deterrent effect. Also, the lower minimum age for girls was discriminatory. During the year the LHRLA reported 70 cases of forced and "vani" marriages (handing over women as compensation for crimes or for resolution of a dispute), some of which may have been child marriages.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In 2008 the Family Planning Association of Pakistan estimated that child marriages made up 32 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

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 obscenity laws. According to the Edhi Foundation, there were 1,210 dead infants found during the year, up from 890 in 2008 and 999 in 2009. The death toll was far greater among girls; nine of 10 dead babies that the charity found were girls. Edhi reported that up to 200 babies are left in its 400 cradles nationwide each year and that it handles thousands of requests for adoption by childless couples. According to law anyone found to have abandoned an infant can be jailed for seven years, while anyone guilty of secretly burying a child can be imprisoned

for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as 12 were arrested under the Antiterrorism Act. Children convicted under the act could be sentenced to death, although no case existed of a child being executed under the act. There were no known limits on child IDPs' access to government services, although some civil society organizations demanded improvement in these services.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

#### Anti-Semitism

Although there were no known Jewish communities in the country, anti-Semitic sentiments were commonly found in the vernacular press.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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, but the provisions were not always implemented in practice. The Ministry of Social Welfare and Special Education and its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, are responsible for protecting the rights of persons with disabilities. In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the education needs of disabled persons.

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 a 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 NCRD 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.

In August 2009 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 included measures to provide disabled persons with greater physical access to public facilities. On July 7, *The News* quoted Federal Minister for Social Welfare and Special Education Samina Khalid Ghurki as saying that her ministry had issued 100,000 special identity cards to persons with disabilities that allowed them to receive discounted passenger fares on Pakistan International Airlines and Pakistan Railways.

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

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

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

Homosexual intercourse is a criminal offense; in practice, the government rarely prosecuted cases. Gays and lesbians rarely revealed their sexual orientation. There are no laws to protect against discrimination on the basis of sexual orientation.

Society generally shunned transvestites, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging

and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras' families often denied them their fair share of inherited property.

On May 25, police arrested a fertilizer dealer, Malik Mohammed Iqbal, and a teenage eunuch in Peshawar for trying to marry. The police proposed the charge of "unnatural sexual offense" against the accused, for which the maximum punishment is life imprisonment.

In July 2009 the Supreme Court stated that hijras were equal citizens 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. In December 2009 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

Societal attitudes toward HIV-positive individuals were changing, but social discrimination continued. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. The National Aids Control Program (NACP) estimated that there were approximately 97,400 HIV-positive individuals but that only 5 percent were recorded. In addition to operating treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The Ministry of Health has established 13 HIV treatment and care centers nationwide that provided comprehensive HIV care services.

#### Section 7 Worker Rights

##### a. The Right of Association

The constitution states that "every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law." According to NGOs and the Economic Survey of Pakistan, the total workforce was approximately 51.8 million. Labor groups and International Labor Organization figures indicated that approximately 3 percent of the total estimated workforce was unionized.

The 18th amendment to the constitution devolved matters pertaining to labor legislation and policies to the four provinces. It stipulates that in the interim period, laws would remain in force "until altered, repealed or amended by the competent authority" (i.e., the provincial governments). An 18th amendment commission was established to implement the transition by June 30, 2011.

Labor groups, international organizations, and NGOs expressed concern about the devolution, noting that certain labor issues were the purview of the federal government, including minimum wages, workers' rights, national labor standards, and observance of international labor conventions. Observers also raised concerns about the provinces' varying capacity and commitment to adopt and enforce adequate labor laws. Labor unions submitted at least two petitions to the Supreme Court challenging the full devolution of labor issues to the provinces.

Ten days after the 18th Amendment went into effect at the end of April, the Industrial Relations Act 2008 (IRA) expired. The IRA had provided the terms for worker rights, including the rights of association, organizing, and collective bargaining. The IRA also dealt with the registration of trade unions and the establishment of labor courts, a labor appellate tribunal, and the National Industrial Relations Commission.

The IRA had been considered weak legislation by labor unions and workers' rights groups, and the Ministry of Labor and Manpower had been working on draft legislation since its passage to strengthen the ordinance. At year's end the Federal Ministry of Labor no longer had legislative authority, and all four provinces had passed their own versions of the IRA. All four provinces used almost the exact same language as the IRA in their legislation. However, labor groups noted this was done without consultation and without any attempt to address previously identified shortcomings of the IRA. At year's end, numerous questions remained unresolved, including the status of national labor unions and the Pakistani Workers Fund.

The constitution protects the right of association, but according to the 1973 Civil Servants Act, civil servants may establish associations but may not form or join trade unions. The IRA expanded the right of association to workers and employers in the private sector but continued to exclude nonprofit organizations, self-employed workers, and agricultural and other informal sector workers. The informal workers included approximately 8.5 million (predominantly female) home-based workers, more than 15,000 employees working in the country's 12

export processing zones (EPZs), as well as most public sector employees, including medical staff, firefighters, teachers, and state enterprise employees; these groups do not have the right of association. NGOs and the government estimated that agriculture accounted for approximately 45 percent of the labor force and that other informal sectors accounted for 20 percent; this left more than 65 percent of the labor force without the right of association.

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.

The IRA somewhat lessened 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, and 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 did 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 Antiterrorist Ordinance of 1999 defines illegal strikes, picketing, and other types of protests as "civil commotion," which carries a penalty of up to life imprisonment. The code of criminal procedure also deems any gathering of four or more persons as subject to police authorization, a provision that authorities used against trade union gatherings. In previous years the Essential Services (Maintenance) Act of 1952 (ESMA) was invoked to limit or prohibit strikes by public sector workers and to curtail collective bargaining rights; labor groups reported that the ESMA was not applied during the year.

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

Collective bargaining for some workforce sectors was protected under the IRA before it expired at the end of April. After its expiration the provinces each passed their own labor laws with essentially the same provisions as the federal IRA. Groups excluded from collective bargaining rights were the same as those excluded from freedom of association under the IRA: nonprofit organizations, self-

employed workers, agricultural laborers, other informal sector workers, and most public sector employees, including medical staff, firefighters, and teachers. The IRA prohibited 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 and provincial labor laws were not fully enforced.

The ITUC reported that employers disqualified workers from union membership by promoting them to nominal managerial status. According to the ITUC, management sometimes resorted to intimidation, dismissal, and blacklisting to prevent unionization.

On July 27, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF), the U.S.-based Coca-Cola Company, and Coca-Cola Icecek (Turkey) reached a comprehensive agreement over longstanding labor and union rights disputes at Coca Cola Beverages Pakistan. At the Coca-Cola plant in Multan, members and leaders of the IUF-People's Employees Union (PEU) had faced targeted harassment, threats, extortion, and other intimidation from management. Attempting to derail the union, which was formed in June 2009, plant management reportedly created a so-called yellow union and claimed that direct-hire union members were actually subcontractors and thus not eligible for collective bargaining. Under the agreement the company agreed to recognize the PEU and assure no further harassment or victimization of union members and officers; all unfairly dismissed workers were to be reinstated with full compensation.

### 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. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

The Bonded Labor System (Abolition) Act of 1992 outlaws bonded labor, cancels all existing debts, forbids lawsuits for the recovery of such debts, and establishes the 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, including kidnapping and illegal confinement.

NGOs reported that more than one million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus, and lower socioeconomic level Christians and Muslims. Bonded labor was most common in agriculture and in the brick, glass, carpet, and fishing industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers' illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers' movements with the use of armed guards or sold laborers to other employers for the price of the laborers' debt.

There were no updates on charges brought against three landlords who were reported in *Time* in October 2009 to have 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 authorities secured the release of all the laborers, and criminal charges were filed against one of the landlords.

A 2008 Freedom House report noted that bonded laborers sometimes sold their organs, particularly kidneys, to make money to escape servitude. Despite the February 2010 Human Organs and Tissues Transplant Ordinance, which regulates the removal, storage, and transplantation of human organs and tissues and criminalizes the practice of kidney sale and purchase, the media continued to report instances in which laborers sold their kidneys for as little as 40,000 rupees (\$470).

Some bonded laborers returned to their former status after being freed due to a lack of alternative employment options. Ties existed between landowners and brick kiln owners and influential politicians, which hampered effective elimination of the problem. For example, some local police were unable to effectively pursue landowners or brick kiln owners, because they believed that their efforts to carry out investigations according to the law would not be supported by higher-ranking officers who would be pressured by politicians or the owners themselves.

During the year the KP Ministry of Labor began a project to register brick kiln workers in the province, although it was in initial phases. The Punjab and Sindh ministries of labor continued to register brick kilns and workers to better regulate the industry and ensure that workers had access to labor courts and other entitled services. By year's end the Sindh Department of Labor and the Social Employees

Security Services Institutions, in collaboration with SPARC, had registered more than 590 brick kilns in Sindh. The Punjab Department of Labor also continued a 123-million rupee (\$1.4 million) project to combat bonded labor in brick kilns, through which it helped brick kiln workers obtain national identity cards and interest-free loans and opened schools at brick kiln sites.

On July 27, the Mirpurkhas District police in Sindh, in collaboration with SPARC, inaugurated the country's first antibonded labor cell. The cell was introduced to improve police and NGO work on forced and bonded labor cases through the provision of specialized training for police and to provide laborers an accessible location to file FIRs required for police to initiate investigation of an employer.

Boys and girls are also bought, sold, rented, or kidnapped to work in organized, illegal begging rings, in domestic servitude, and in agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their children, who were later exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. NGOs and police reported markets where girls and women were bought and sold for labor.

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

National legislation protects children from exploitation in the workplace; however, enforcement of child labor laws was weak, and child labor, including forced or bonded labor, remained a serious, pervasive problem.

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 a register of children working for them for labor inspectors to verify. 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. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees (\$590) 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 considers four occupations and 34 processes illegal for

children, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

Enforcement was a serious problem. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work.

Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since 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. In reality enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were 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 (\$240) for violations of child labor laws. Authorities often did not impose penalties on violators; 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 (\$4) in KP to an average of 7,344 rupees (\$86) in Balochistan.

Children were forced to work in the brick kiln, glass bangle, and carpet-weaving industries as well as in agriculture as part of fulfilling their families' debt obligation to feudal landowners or brick kiln owners. UNICEF estimated the number of children working in brick kilns at approximately 250,000. In a March 2009 report, the National Coalition against Child Labor stated that there were 1.7 million persons in bonded labor in the agricultural sector, including children.

Poor rural families sometimes sold their children into domestic servitude or other types of work or paid agents to arrange for such work, often believing their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

On January 19, a 12-year-old Christian housemaid was tortured in Lahore by her employers and died of her injuries three days later (see section 6, Women).

Children also were kidnapped and/or sold into organized begging rings, domestic servitude, and child prostitution.

In September the KP government passed the Child Protection, Welfare Bill of 2010.

For information on forced child labor, see also the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

e. Acceptable Conditions of Work

On May 1, the government announced that the minimum monthly wage for unskilled workers would be increased to 7,000 rupees (\$82) per month from the previous wage of 6,000 (\$71) per month. (There are 54 categories of workers with various minimum wage levels.) The national minimum wage for unskilled workers 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 (\$141) per month. Significant sectors of the workforce, such as those in the informal sector, domestic servants, and agricultural workers, were not covered.

The government was unable to combat or regulate illegal practices by labor agents who recruited persons for work abroad. Agents charged fees for their services well above the legal ceiling set by the government; agents also changed contracts or drafted unclear contracts to reduce agreed-upon wages. The government's inability to regulate such transactions highlighted its inability to protect workers against further exploitive situations, including human trafficking.

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. 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.

These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors. In addition, such workers did not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The

inapplicability of many labor laws and the lack of enforcement by the government gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay. For example, in November a lower-caste Hindu agricultural laborer died of burns suffered after he was tortured and set on fire, allegedly to elicit a confession for stealing cotton. The accused perpetrator, a well-connected local landlord, had not been arrested by year's end.

Even prior to adoption of the 18th amendment, provincial governments had primary responsibility for enforcing national 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 sectors.

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