

PAKISTAN

THE SITUATION OF HUMAN RIGHTS IN 2010

Introduction

The situation of human rights in Pakistan is one of the most serious in the Asian region and has amongst the greatest impact on regional and international peace and security. The absence of the rule of law and the jurisdiction of the State in many parts of the country, as well as serious flaws in State institutions, has made Pakistan into a hotbed of conflict and instability. Added to this, the country has suffered from devastating floods during 2010 which has added greatly to the suffering of Pakistan's population.

2010 saw some positive developments concerning human rights, but for the most part grave and widespread human rights violations continued to be perpetrated by the State, with impunity.

The government has taken the positive step of halting executions since November 2008. 2009 and 2010 have been legal execution-free years, as the government has not executed any of the estimated 7500 prisoners still being held on death row. However, it has been unable to commute these death sentences because of strong resistance from powerful groups such as the higher judiciary and the military.

The Asian Human Rights Commission (AHRC) documented a range of grave rights abuses during 2010, which will be presented in detail in the following report. These include: arbitrary arrests and detentions, the endemic use of torture, forced disappearances, discrimination and violence against women, forced marriages and forced religious conversion, the misuse of blasphemy laws against religious minorities, child abuse and bonded labour. The report also covers a range of systemic problems within the policing and judicial systems that are preventing those responsible for committing these violations from being held to account.

On the issue of violence against women, some progress was made during 2010. A bill against sexual harassment was passed into law by the parliament. Bills against domestic violence and acid-throwing were presented in the National Assembly, but opposition

remains from powerful groups, particularly religious fundamentalists, that continue to prevent this legislation from being adopted. The bill against domestic violence has been pending for almost three years before parliament and despite efforts by the government to adopt it during 2010, as of the time of writing this report – December 2010 – this had not been possible. A bill was also passed in 2010 that decentralizes the health care, raising hopes for improved women's health.

The judiciary enjoying freedom without any pressure from the executive but there are complaints that in some cases the government was hesitant to implement the decisions of the Supreme Court. The judiciary was at loggerheads with the government but it asserted its independence from the executive.

The parliament (consisting of national assembly and senate) passed the 18th amendment unanimously deleting all the amendments introduced by the two military governments in the constitution. The Supreme Court has shown its reservations on the appointment of the judicial commission and asked the parliamentary committee to amend the 18th amendment to adjust the reservations of the Supreme Court.

In the middle of 2010 the government of Pakistan ratified the UN International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) but has shown many reservations on the most important articles of the ICCPR and CAT which have totally negated the concept of these covenants.

Torture in custody has become the routine part of life and is now exhibited in open places to show police power with all impunity. There is no move on making torture a crime in the law. The armed forces are running their own torture cells and the cases of torture in custody increased during the year 2010.

The havoc of floods continues after four months. The government and authorities have shown their inability to overcome the miseries of the affected people. The plans and strategies failed to provide resettlement. The government also failed to prove its credibility as people of Pakistan do not believe in it to provide funds. The professional organizations, NGOs and social organizations are much more active in collecting their funds. It is also reported that some Pakistani missions abroad are also not contributing in the official funding pool rather preferring to pool through NGOs because of increasing corruption at official levels.

200 million people are directly affected by the floods, around 2000 are dead, the standing crops on 600,000 acres were completely destroyed. The government and international agencies, somehow, controlled the spreading of disease. The amount fixed for affected persons could not be provided to almost anyone. Because of the receding of the flood

waters and winter season people started to return back to their homes without proper aid and help.

The corruption in the government has become endemic and with the passage of time the corruption makes new records. According to Transparency International the corruption in Pakistan jumped from 141 position to 133 among the 178 countries. No mechanism has been evolved to curb the corruption. The Supreme Court is taking cases of corruption but limited it to the present government not across the board.

The media is still under attack from threats from authorities and powerful groups. Journalists were detained and tortured by intelligence agencies.

Still the military has its influence on the civilian matters which does not allow the elected representatives to follow the international norms on human rights.

Pledges by the government to the UN Human Rights Council

Following are the pledges and responses made by Pakistan during the Universal Periodic Review (UPR) 2008; and many of them are yet remained as false promises. Since then situation has not been considerable improved.

About the religious minorities government said that specific steps are being considered to strengthen laws and procedures to reduce incidence of their abuse. The Government has restored the joint electorate system for minorities in federal and provincial assemblies. In addition, ten seats are reserved for minorities in the National Assembly and twenty three in the four Provincial Assemblies.

On the issue of Violence against women it was responded by the government that the Government is pursuing a Policy of Zero Tolerance on Violence against Women (VAW). A Bill on Domestic Violence, tabled in the Parliament, encompasses the issues of marital rape and acid attacks, among others. Meanwhile, grievous hurt/injury as a result of marital rape is covered under Criminal Procedure Code.

On disappearances Pakistan says that the Supreme Court initiated action on cases of disappearances. The new Government has vowed to investigate them.

On impunity it says that it does not condone impunity. Abuses by law enforcement agencies, including security forces, are cognizable offenses.

For human rights defenders it is said that Pakistan attaches importance to ensuring security, safety and freedom of human rights defenders. The Government has benefited

from the active advocacy and substantial work of NGOs in promoting the rights of women, minorities and marginalized segments of society. We have taken note of the suggestions to consider formulating a national policy on protection of human rights defenders, which would focus on a national system for enhanced protection of witnesses and human rights defenders.

National Human Rights Commission it is pledged that the draft legislation on the establishment of a National Commission on Human Rights has been submitted to the Cabinet. A decision in this regard is expected shortly.

For adequate housing rights a vague reply was given that the Prime Minister has announced that every year one million housing units for low income groups will be constructed every year. A revolving fund has been created, which will be expanded through innovative financing.

Government refuses to accept abuses as the human rights issues

On the following human rights abuses the government of Pakistan says that they are neither universally recognized human rights nor conform to its existing laws, pledges and commitments, therefore it cannot accept them; like 1) to repeal provisions of the Hadood, 2) Ordinances that criminalize non-marital consensual sex and fail to recognize marital rape; 3) the decriminalization of defamation, 4) Pakistan review the legislation on blasphemy to align it with the principles of freedom of thought, conscience and religion and inter alia relevant obligations under the ICCPR, 5) Pakistan review the death penalty with the intention of introducing a moratorium and abolishing it, 6) repeal Hadood and Zina Ordinances, 7) declaring an immediate moratorium on all executions, 8) move towards abolishing the death penalty, 9) to decriminalize adultery and nonmarital consensual sex and 10) Pakistan should prohibit in all circumstances the use of the provisions of the Qisas and Diyat law in cases of honour killings.

Diluting the ICCPR and CAT by having reservations against many of their provisions

The President of Pakistan has ratified UN International Covenant on Political and Civil Rights (ICCPR) and the UN convention against Torture (CAT) but with 'reservations'. Even a cursory look at the reservations makes it absolutely clear that ratifying the UN mechanisms was only a window dressing exercise with little meaning.

Through the reservations on UN Convention against Torture, the government of Pakistan has explicitly declared that it will not specify torture as the criminal offence in the domestic law.

The ratification had come after a valiant struggle by the human rights movement and had raised new hopes among the civil society and made them convinced of Pakistan's commitment for restoring the rule of law. The belief, that the ratification was a proof that Pakistan is taking slow but steady steps for consolidating the gains made by the democratic movement, turned out to be a false belief.

The very first reservation in the ICCPR is that Articles 3, 6, 7, 18 and 19 of the convention will be applied to the extent that 'they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia Laws'. What are the provisions in these articles? Article 3 guarantees equality to men and women while Article 7 ensures the right to life. Are not these rights the cornerstones of democracy? What is there in these two articles that can be 'repugnant' to the Pakistani constitution and the Sharia law?

Further, Article 7 of the ICCPR prohibits the practice of torture, Article 18 ensures the freedom of thought, conscience and religion and Article 19 guarantees the right to freedom of opinion and expression. What is really nauseating is the use of the idea, that any of them could be 'repugnant' to the provisions of Pakistani constitution that guarantees a 'republic'.

The same goes with the government's reservations on the Article 12, which guarantees the right to liberty of movement and freedom to choose residence. Reading Article 25, which ensures participation to public affairs, right to vote and universal or equal suffrage and equal access to public office can fill anyone believing in democracy with horror. The possibility of having any reservations on these rights demonstrates the government's design to control movement of citizenry and betrays the fact that the government has a lot to hide. It is believed that civilian government is operating under the pressure of the army which certainly has a lot to hide?

This hideous game of ratifying the convention on paper while ensuring that it cannot be implemented, reaches its crescendo in the Government of Pakistan's dogged refusal to recognize the competence of the Committee provided for in Article 40 of the Covenant. This time there is no rationale provided, no excuses offered.

Denial to recognize the committee ensures that there would be no mechanism to monitor Pakistan's record in implementing the ICCPR, barring the claims of the government itself. Even leaving the fact of the credibility of the government of Pakistan's claims on the status of human rights, this would result into not having any independent and impartial evaluation of the issues at hand. The reservation on the article 40 of ICCPR shows that all that the Government of Pakistan wants is impunity on its track record of gross violations of human rights, by making a cosmetic change of ratifying the ICCPR.

Similarly, the government has shown its reservations on almost all important articles of the UN Convention against Torture (CAT), which provides protection against torture by the state. The government has conveyed reservations on Articles 3, 4, 6, 8, 12, 13, 28, and 30.

Inexplicably, these reservations are coming from a government whose president himself has been tortured in custody because of the absence of anti-torture law. Most unfortunately, president Zardari has been fighting a case against his custodial torture for more than a decade to bring the perpetrators before the law.

Article 3 of CAT states, that no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. The government has declared that the pursuant of this article shall be applied to be in conformity with the provisions of its laws relating to extradition and foreigners. This, in effect, nullifies all protection that CAT could have offered.

Article 4 says that 1) each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person, which constitutes complicity or participation in torture. 2) Each State Party shall make these offences punishable by appropriate penalties, which take into account their grave nature.

Having reservations against this is an explicit demonstration of the denial of the protection from torture to people by the government through law.

Article 6 of CAT emphasizes legal measure against a person who committed an act of torture. Article 12 calls upon the prompt and impartial investigation in the case of torture. Article 13 provides the right to complain and to have his/her case promptly and impartially examined by the competent authorities.

On the article 4, 6, 12 and 13 of the CAT, the government of Islamic Republic of Pakistan declares that the provisions of these articles shall be so applied to the extent, that they are not repugnant to the provisions of the constitution of Pakistan and the Sharia Laws.

The government has not explained what the Sharia Law has got to do with law against torture. On the contrary, the constitution of Pakistan unambiguously prohibits the use of torture. The hidden agenda of the government of Pakistan behind these so called reservations is very clear that government wants to provide armed forces impunity for running their torture centers.

By putting reservations on ICCPR and CAT the Government of Pakistan wants to keep the traditional right to kill, which it has enjoyed. Having problems with a provision that ensures the right to life, meaning that it cannot be taken away without due process of law, exposes the nefarious designs of the government to continue the practice of extrajudicial killings with impunity.

Floods in Pakistan

Floods: reconstruction gives unscrupulous officials opportunities to make money from the misery of the affected population

The negligence of the authorities and improper mechanisms to deal with natural disasters put the lives of millions of people in peril after the heavy rains and flooding in Pakistan. The Pakistani people have been drastically affected by the destruction and loss of vast areas of agriculture lands and the toll of the damage on other forms of livelihood as well as on infrastructure necessary to education and health care.

More than 20 million people—or about 12 percent of the entire population—have been affected by the floods, eclipsing the devastating 2004 Boxing Day tsunami, the 2005 Pakistan earthquake and the January 2010 Haiti earthquake. More than 1 million homes throughout the country have been destroyed or damaged, and more than 1,200 people have been killed.¹ Millions have become homeless and lack clean water, food, and medical supplies. Sanitary conditions have deteriorated and disease poses a serious threat. Up to 3.5 million displaced children risk death from diseases such as cholera, typhoid, and dysentery, resulting from polluted water and lack of sanitation. Approximately 90,000 pregnant flood victims are currently at risk because of lack of medical services and supplies. In addition, women and girls in the flooded regions are suffering from starvation and malnutrition, anemia, poor hygiene and sanitation, and greater vulnerability to disease.²

Large-scale displacement and disorganization has left women and children especially vulnerable to human traffickers. Roshni Missing Children Helpline visited several relief camps in Karachi, Thatta, Dadu, and Sukkur and registered more than 26 cases of missing children. Of these 26 missing children, 21 were boys between 5 to 16 years old and five were girls aged between 12 to 17 years. The organization has managed to recover

1 “Flood Disaster in Pakistan,” Daily Times, 5 September 2010, http://www.dailytimes.com.pk/default.asp?page=2010%5C09%5C05%5Cstory_5-9-2010_pg3_5

2 “Pakistan: Appeal for Pakistan Flood Relief Funds for Women, Children, and the Elderly,” AHRC, 25 August 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2770/>

3 children; however, 23 children are still missing. The organization further reported that according to the National Disaster Management Authority, about 400 children went missing during the floods. Various NGOs, especially those working in rural areas of Sindh province, also showed their concern over the increasing number of missing children and women. Due to social context and the centrality of the issue of “honor” in interior parts of Sindh, many families are reluctant to report the cases of their missing girls.³

Approximately 6,000 villages were flooded and thousands of people were displaced with no hope of relief from the authorities.⁴ More than 160,000 square kilometers are inundated—representing 20 percent of Pakistan’s landmass. Of the 50 million acres of cultivable land, more than 10 million acres (about 20 percent) of standing crops, mainly cotton and sugarcane, have been destroyed or severely damaged.⁵ Further, cultural treasures were placed at risk or destroyed, as with the 5,000-year-old Mohenjo-Daro archeological treasures.

In the wake of the floods, the government of Pakistan faces institutional, financial and societal destabilization in a terrorism-ridden country reeling under unprecedented damage and injury to lives and livelihoods. Strategic and political uncertainty reinforces hopelessness and chaos in the midst of an ongoing power-struggle among various institutions of the state.⁶

Without any legal mechanisms or infrastructure to deal with natural and man-made disasters, some authorities sought to profit from the floods, demonstrating the necessity of stronger, more comprehensive natural disaster legislation. Passed by resolution by all the four provinces under Article 144 of the Constitution The National Disaster Management Ordinance of 2006 was intended to create strong political and institutional support for disaster management. The bill was amended during the state of emergency of 2007, but in 2009 the Supreme Court declared all the ordinances issued during the state of emergency as illegal. The 2006 ordinance did, however, establish the National Disaster Management Commission (NDMC) and National Disaster Management Authority (NDMA).⁷ Unfortunately, existing legislation and institutions proved woefully

3 “Pakistan: Super floods make children and women vulnerable to trafficking,” AHRC, 20 September 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2841/>.

4 “Pakistan: Negligence of the authorities exposes the lives of millions to peril,” AHRC, 11 August 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2730/>.

5 “Flood Disaster in Pakistan,” Daily Times, 5 September 2010, http://www.dailytimes.com.pk/default.asp?page=2010%5C09%5C05%5Cstory_5-9-2010_pg3_5.

6 “Pakistan: No to Undemocratic and Unconstitutional Change,” AHRC, 29 September 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2851/>.

7 “National Assembly Passes Two Bills,” Business Recorder, 5 October 2010, <http://www.brecorder.com/section/27/1/1108725:national-assembly-passes-two-bills.html>.

inadequate to control and respond to the 2010 floods.

In response to the failures of the federal government following the floods, the National Assembly passed the National Disaster Management Bill on October 4, and the Senate passed the legislation on November 11, 2010. According to statement and objects and reasons of The National Disaster Management Bill, 2010, a system of relief commission at provincial level was established. An emergency Relief Cell (ERC) in the Cabinet Division was responsible for organising disaster approach toward disaster risk management. It is too soon following passage of the 2010 disaster legislation to expect a record of unified action to deal with the disaster and the authorities, thus governments continue to expect local people to be self-sufficient in the wake of the floods.⁸

The 2010 floods illustrate just how devastating the effects of the natural disasters that will proliferate and escalate as climate change continues may be, and just how vulnerable Pakistan is to natural threats. The majority of the Pakistani policy makers are not thinking forward to the future and worsening climatic conditions. The country is embroiled in the US-led war on terrorism and now enmeshed in a complex political quagmire where it has found itself fighting a war with itself. Therefore, planners are not able to devote much time to apprise the people of Pakistan on the repercussions of adverse climatic effects.⁹

The Destruction of the Floods and Its Aftermath

The culpability of the federal and all provincial governments can be judged on the basis of their action—or inaction—in the first three days of flooding in Pakhtoon Kha province (formerly the North West Frontier Province). During that time, the federal government took no action. The local people were left to fend for themselves. Approximately 800 people were swept away or killed because of the heavy floods and landslides, which also destroyed more than 100 bridges and inundated thousands of houses.

The floods, which began on July 23, did not reach Punjab province until August 1, a period of eight days. The government in Punjab province nonetheless took no actions to prepare for the water rushing towards them. This incredible negligence resulted in many deaths, the destruction of 171,010 houses, and 1480 villages as well as the destruction of standing crops of cotton, rice, sugarcane, fodder and different types of grains over two million acres. Around 200,000 animals were swept away or killed. Major road links, bridges and embankments along the rivers were broken, and water overtook thousands of acres of land. The embankments were not strong enough to resist the floodwaters. The

8 “National Assembly Passes Two Bills,” Business Recorder, 5 October 2010, <http://www.brecorder.com/section/27/1/1108725:national-assembly-passes-two-bills.html>.

9 “Pakistan: Women are worst hit by climate change,” AHRC, 27 October 2009, <http://www.ahrchk.net/statements/mainfile.php/2009statements/2272/>

first action of the chief minister was to make an aerial reconnaissance of the flood havoc with members of his cabinet and hold photo sessions with the affected people.

Within three days of the passage of the heavy flow of water to some districts in southern Punjab province, the embankments of many rivers were broken, particularly in Muzzafar Gargh, Rajan pur and some parts of the Multan districts, and hundreds of villages were under water. More than 200,000 people were driven from these districts. These floods are the worst in 100 years, and they have stressed the entire irrigation infrastructure on canals and rivers beyond its limits.

In Punjab and elsewhere, it seems clear that the impact could have been mitigated with better planning. According to the media reports, landlords sitting on the provincial cabinet used their powers to close down the doors of barrages or breach the embankments of the rivers and canals to protect their lands from floods, but they left the villagers to face the water. The majority of the villages did not have means to safeguard themselves from the floods and were not informed of any precautionary measures.

In Balochistan, more than 600 villages and towns were affected by torrential rains and flooding, resulting in the deaths of more than 100 persons. People were forced to leave their homes without help or guidelines from the provincial government. Balochistan was the first province affected by the heavy rains, floods and landslides that began in mid-July, but the government failed to plan, respond, or provide protection—despite the fact that Balochistan faced floods and landslides in different parts of the province on three occasions. Around 20,000 houses had been destroyed, according to media.

In the province of Sindh, the government's inability to provide protection to the areas along the Indus River, the largest river of the country, resulted in the destruction of standing crops on hundreds of thousands of acres and the inundation of 2,000 villages. More than 100 persons died. In Sindh as in Punjab, powerful landlords, mainly from the coalition government of the province, allegedly made breaches in the embankments along the rivers and canals to save their own lands.

Lightning, heavy rains and flash floods wreaked havoc in Gilgit-Baltistan, close to the border with China, killing 63 people. Here the landslides caused the deaths of 254 persons, mainly women and children. A third round of heavy rains and floods in Qumara village claimed the lives of 45 people and destroyed 28 houses. At least 45 people lost their lives in rain-related incidents in three villages of Skardu region, while 15 others sustained injuries according to the Deputy Inspector General of Police. Heavy rains and floods destroyed a bridge linking Pakistan with China. The road link between Skardu and the rest of the country had to be closed down.

The next phase of the disaster may be more serious than the havoc created by the floods and torrential rains. UN agencies as well as domestic and international agencies have warned that a new phase of floods is imminent which may be more disastrous than the previous one. The government is asking for relief funds from international donors but has raised only US \$20 million, which is not in any way sufficient to help the affected victims or lessening the destructions caused by the floods. This support from the world is much less than was asked for by the government but its credibility is shaky, and donors do not trust that the aid or funds will be used to assist the victims.

Famine Following the Floods

Pakistan now faces a scarcity of essential and edible items—a shortage that will affect the poorest people most severely. The destruction of the standing crops and inundation of the arable land will render agricultural lands crucial to food production unusable for many months. Further, the damage to crops, roads, bridges and communication networks together have caused the prices of fruit, vegetables and meat to skyrocket.

There is no chance that the gap of food supplies created during the floods can be filled within the coming years. The villagers have lost thousands of animals; the business in the big cities is at standstill and there are no commercial activities because of huge damage to the roads and linking bridges. Therefore the food shortages will create a huge problem for years.

Suitable drinking water is another issue and people that do not have an available supply will have to rely on anything they can get which will certainly create health problems. Water borne diseases like cholera, skin diseases and malaria are common in the affected areas and the thousands of animal carcasses will spread disease even faster.

Government Failure and Corruption

Following the heavy rains and floods, government officials and bureaucrats have attempted to profit from the reconstruction of damaged bridges, dams and roads. Transportation infrastructure was dilapidated long before the flooding started, thus their destruction has eliminated the evidence of the effects of the corruption that allowed their substandard condition in the first place. Now, this infrastructure must be reconstructed with the help of foreign aid and donations to restore the communication system. Investments in reconstruction have given unscrupulous officials opportunities to make money out of the miseries of the affected population by directing contracts to their own firms or accepting bribes from others in return for assistance securing contracts.

The heavy rains and flooding have exposed authorities who failed to take the floods seriously. It was not until one week after of the floods began that the federal cabinet began to consider the situation and undertake relief work. Consequently, Prime Minister Yousuf Raza Gilani's visit to Mianwali in Punjab province caused him embarrassment rather than creating goodwill. He used a motorboat to visit the affected areas and was then brought to a medical relief camp. As reported by the media, the camp was instructed on how to respond and the crowd paid some money as soon as the prime minister left. Many VIP visits are thus arranged, through the hiring of attendees to engineer a falsely positive atmosphere.

Meanwhile, the Punjab government has not convened any meeting of the cabinet to discuss the losses produced by the floods. Punjab is the most affected province after Pakhtoon Kha. The chief minister has only held prominent photo sessions with the affected persons and made promises yet to be honored. In Balochistan province, the ministers and authorities are more concerned with their security than the wellbeing of the affected population.

The heavy floods caused huge losses of property and the displacement of millions, a situation that can only be improved or resolved through the assistance of international agencies and outside actors. The governments of Pakistan cannot handle the disaster, and ultimately it is the Pakistani people who will suffer.

For its first steps toward long-term relief and resolution, the government should consult all stakeholders and provide immediate help to restore normal life in the affected areas. The government must maintain transparency in distribution of relief, making an effort to reach all of those affected, and its distribution must be monitored by elected representatives.

The flooding -- Serious efforts are needed by the authorities to restore the trust of the people and the international community

It is reported in the Pakistani media that intentional breaches were made in the protective embankments at Ghospur and Thorhee bands, Sukkur district, Sindh province in order to protect the agriculture lands of President Mr. Asif Ali Zardari Mr. Qaim Ali Shah, the chief minister of Sindh province, Mr. Khursheed Shah, the federal minister and other powerful person in the coalition government. The breaches have affected the urban population of Sukkur district and its adjoining areas where many places remain submerged.

It is also reported that Mr. Shahbaz Shareef, the chief minister of Punjab province, and Mr. Nawaz Shareef, the opposition leader, have made the same arrangements to protect

their sugar mills in Jhang district. The media also reported that in different districts, where the flood was in full swing, the provincial ministers and land lords of the Punjab province made breaches in the embankments to save their lands. Please find the details; <http://www.ahrchk.net/statements/mainfile.php/2010statements/2736/>

A crime by US and Pakistani authorities

It is reported in the media that relief operations for around 700,000 persons could not be carried out because an airbase in Jacobabad district, Sindh province, is controlled by the US forces. The US forces denied permission for the air strips to be used to deliver much-needed relief to the adjoining areas which are submerged in water and where 700,000 people are trapped. As there are no other air strips in the vast area close to Jacobabad and its adjoining areas, the authorities are finding it difficult to drop the relief in the flood-affected areas.

According to the Daily Dawn, the largest circulated English newspaper, Mr. Khushnood Lashari, the health Secretary during an appearance at the Senate Standing Committee on Health, revealed that health relief operations are not possible in the flood-affected areas of Jacobabad because the airbase is under the United States control. The coordinator of the Health Emergency Preparedness and Response Centre, Dr Jahanzeb Aurakzai, told the standing committee of the Senate that foreign health teams could not start relief operations in remote areas because there are no airstrips close to several areas. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2751/>

Negligence of the authorities exposes the lives of millions to peril

The negligence of the authorities and improper mechanisms to deal with natural disasters has put the lives of millions of people in peril after the heavy rains in Pakistan. As a result the lives of the people have been drastically affected with the destruction and loss of vast areas of agriculture lands. More than 1,600 people have been killed by the flood waters that swept away over 400,000 houses throughout the country. Around 5000 villages were inundated and thousands of people are stranded with no hope of relief from the authorities.



According to the United Nations the massive floods in Pakistan affected 14 million

people eclipsing the devastating 2004 Boxing Day tsunami, the 2005 Pakistan earthquake and the January 2010 Haiti earthquake.

The absence of any legal mechanism to deal with natural and man-made disasters has raised possibilities for the authorities to profit from this latest natural disaster. The National Disaster Management Bill has been pending before the national assembly since February 2010, but it is yet to be passed into law. As a result there has been no unified action to deal with the disaster and the authorities and governments are depending on the local people to handle themselves. Particularly since 2005, Pakistan has been suffering natural disasters in different forms but the development of any unified mechanism to handle the natural and man-made disasters has still not able to catch the attention of the elected representatives. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2730/>

Super floods make children and women vulnerable to trafficking

The 2010 super floods, which literally ravaged many rural parts of the country, brought countless miseries to the inhabitants of a large number of Pakistani population. It has become very clear that besides provision of shelter, food, clean water and medicines the issue of the protection of women and child rights is increasingly taking attention of civil society organizations as well as government functionaries. However, it is understood that a clear lack in planning, coordination mechanism and concrete measures make children and women vulnerable to all imaginable sorts of violence, including the violence of trafficking.

Mohammad Anwar, a social development consultant, informed that according to definition, trafficking is the recruitment, transfer, transport, harbouring or receipt with or without consent, bogus marriages, false adoptions and kidnapping with a view to exploit women and children in bonded and illegal labour, domestic work, begging, slavish marriages, sex-tourism and entertainment and prostitution for the benefit of traffickers and crime- syndicate. He added that child trafficking means taking the victim with or without consent within or across the borders for the purpose of prostitution, marriages, forced and bonded labor <http://www.ahrchk.net/statements/mainfile.php/2010statements/2841/>.

Flood-hit women take up the challenge to reconstruct their devastated dwellings

As flood waters are receding in areas of



Kot Addu, Punjab province, the shifting from camps to villages is going to start. After spending two to three weeks in relief camps and experiencing untold miseries, some families have started returning to their ravaged villages only to find their houses collapsed partially or completely. People are seen walking back on foot, cycles, tractor trolleys and donkey carts, loaded with usable items; like empty water cans, boxes, some ration as well as animals, goats and poultry. Broken roads, caved in bridges, tilted railway tracks, ravaged crops and rotten smell of stagnant waters altogether make a sad picture of the land, once lush green with standing crops only a month ago.

Legislative developments

1. Legislation in favour of women

During the year 2010, the government has introduced three important legislations for women. There were good signs that government introduced some bills against the domestic violence, Sexual harassment at workplace and health care for women. The third one is about victims of Acid Throwing but this has yet to be approved by Senate. The national assembly passed the bill against domestic violence in August 2009 but it could not be approved by the senate because of powerful persons in Senate who are opposing the bill. It was expected that during the session of September the bill against domestic violence would be tabled but again it was delayed. This bill is much more resisted from representatives of religious parties and powerful landed aristocracy who are among all political parties.

Mere consideration of a domestic violence bill constitutes a major development in Pakistan, where gender-based violence is rampant. Approximately 80 percent of married women in rural areas fear domestic abuse while 50 percent of women in urban areas report having been subjected to spousal abuse. Some of the same hurdles that led to the bill's lapse in the Senate remain. While some cite the opposition¹⁰ of the Council of Islamic Ideology (CII) to the original bill as a causal factor in its lapse, others accuse critics of playing politics with religion by overstating religious opposition. The CII did classify the bill as "discriminatory,"¹¹ pointing to the potential for its use by police as a justification for violating the "sanctity of the home," and further objected that the bill would increase divorce rates. Yet the passage of the bill in the National Assembly and support from within Islamist political parties suggest that the obstacles to its passage in the Senate cannot be ascribed to religious opposition solely.

10 <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/12-ncsw+rejects+cii+reservations+on+violence+bill--bi-09>.

11 <http://newsblaze.com/story/20100318125344iwfs.nb/topstory.html>.

2. Deletion of presidential powers through 18th amendment in the constitution

The remarkable work from the parliamentarians was the passage of 18th amendment in the constitution of Pakistan which was passed unanimously. Through the 18th amendment the government and parliamentarians have struck down all amendments made by military rulers in the constitution. Pakistan's parliament has institutionalized a new political consensus on the country's legal and political framework with the 18th amendment's passage. It gives the parliament, prime minister, judiciary and provincial governments greater autonomy under the constitution. The amendment transfers greater authority to the parliament and prime minister and deleting the powers of the president to dismiss the parliament under article 58/2 (b).

After the adaptation of amendment in the constitution a power struggle between judiciary and parliament has started and judiciary will give its verdict in January 2011 on the petitions challenging the amendment but has given a short verdict for changing the process of judicial commission which was formulated by the parliament.

3. The government has not executed single person during the year, but failed to abolish the death penalty

The government of Pakistan has failed to abolish the death penalty in spite of the pledge it made in 2008 to commute death sentences to life imprisonment. But in a positive move the government has not executed single person since November 2008. The federal government cabinet has decided to commute the death sentences and convert it into life sentence. But still the government failed to introduce any law which can abolish the execution.

The country's parliamentary bodies - the national assembly and senate - in mid-April 2010 approved the eighteenth amendment to the Constitution of Pakistan, deleting the majority of the amendments made by past military rulers, but the parliament has not touched the amendment made to the constitution by General Zia Ulhaq comprising the death penalty. In the 1970s, the government led by the late Zulfikar Ali Bhutto raised the minimum term of a life sentence from 14 to 25 years with the idea that capital punishment would be abolished in the years to come. However, this did not materialize and General Zia, the country's military ruler from 1977 to 1988, kept both the death penalty and the increased life sentence intact through an ordinance which was later incorporated in the Constitution. Mr. Bhutto was later hanged in 1979. Former President Musharraf did nothing to alter either the death sentence or the minimum term.

According to estimates, there are around 7500 prisoners on death row, the largest number in any country in the world. This number constitutes around one third of the death row prisoners in the world. Many among them have already spent more than 10 years

in prison. The prolonged detention on death row is at the very least cruel and inhuman treatment and therefore constitutes a violation of these persons' rights in of itself.

Reports have indicated that in some prisons, prisoners sentenced to death have been moved from death row cells to other barracks, but remain separated from other prisoners.

Pakistan's legislators also did not attempt to commute the death sentence in the eighteenth amendment, allegedly because of pressure by Islamic fundamentalist parties and the judiciary. The federal cabinet decided on July 2, 2008 to commute the death sentence, but due to pressure from Muslim fundamentalists and a *Suo Moto* action from the then-Chief Justice of Pakistan, Mr. Abdul Hameed Dogar, who had been appointed by former president General Musharraf during the state of emergency, the government avoided issuing a formal notification commuting death sentences. The present judiciary is also showing its gestures against the commutation of death sentences.

When Pakistan was founded 63 years ago, only murder and treason carried the death penalty. Now the death penalty can be handed to persons found guilty of 27 'crimes' including blasphemy, tripping a woman in public, terrorist acts, sabotage of sensitive installations, sabotage of railways, attacks on law enforcement personal, spreading hate against the armed forces, sedition, and many more.

Judiciary and government at loggerheads

After the restoration of the suspended judiciary by former military dictator, General Musharraf, a war between judiciary and government/parliament started. After the six decades of repression against the judiciary it is difficult for the two institutions to understand their constitutional role and barriers. On many occasions the help of chief of army staff was sought to overcome the war kind of situation between the government and judicially. In the presence of independent judiciary and elected forums the military has big role to settle the issues.

At least on three occasions, the chief of the army staff directly intervened to stop the fight between executive and Supreme Court where it was very much clear that democratic set up might be derailed. When Supreme Court declared National Reconciliation ordinance (NRO), issued by former military dictator, as *Ab-Initio* and ordered to initiate the legal process for the money laundering cases against President Zardari in Switzerland. The government has refused to follow as the president has immunity through the constitution. The case of contempt of court against the prime minister was at final stage in October 2010 when it was obvious that court would book the prime minister in contempt of court and would pass order against his government. At this moment the help from military was sought and hearing was put off.

In the same month there was a rumour published in a section of media about the de notification of restored judges. The Supreme Court took strong notice of it and held more than two emergency meetings of the judges and started its own action. At the time when court was suppose to take action a meeting of president, prime minister and chief of army staff was held which conveyed message to Supreme Court and the case was deferred for for hearing in December. The visible anger of the judiciary was thwarted by the intervention of the army.

On the third occasion when Supreme Court of Pakistan took many petitions challenging the 18th amendment in the constitution, a unanimous amendment passed by parliament, and was passing remarks that the judiciary can turn down any amendment or law passed by the legislators, playing down the role of parliament of legislations. The decided to announce judgment on the petitions but again because of some alleged interventions the court restricted itself for the formation of judicial commission and ordered the parliamentary committee of the parliament to amend the suggestion regarding appointment of judges which means another amendment in the constitution. The court has also announced that it would deliver its final decision on the petitions challenging 18th amendment in the third week of January 2011.

The independence of the judiciary is still a big question for the executive to understand and government terms it as judicial activism. The government has resisted many times the decisions of the judiciary but then it has to follow the verdicts of the court. The presence of strong bars has proved as the shield for independent judiciary. The big question still remains unanswered is who has the right to make the laws, the judiciary or parliament.

Statements emanating from Honourable Justices, either during the conduct of formal hearings or while addressing public fora, however, negate the pre-requisites of conduct expected from those entrusted with dispensing formal justice. Particularly unbecoming have been statements made by the Chief Justice of the Lahore High Court. In one instance he stated that: "Former Dictator General (Retd.) Pervez Musharraf, should be executed through hanging in a street square for the alleged crimes committed by him."

On another occasion he was reported to have implied that since President Zardari is the main beneficiary of Benazir Bhutto's death and that his involvement in her murder is possible. Apart from the fact that such partisan and presumptive remarks are unbecoming of a person holding as exalted an office as the Chief Justice of a High Court but it also creates an instance of bias exhibited by someone who can not only be called upon the adjudicate the above matters but also has the power to appoint the benches that may hear the above cases.

Similarly the Chief Justice of the Supreme Court and other senior judges made remarks during the course of hearings that reveal their thinking and their bias to the public and

before the actual judgments are announced. Particular note is taken of two particular instances as reported in the press. During the hearing of the case on the National Reconciliation Ordinance (NRO), the Chief Justice and other judges are reported to have made remarks about getting money back from 'looters and plunderers who had stolen national wealth'. The NRO was applicable to those who were accused of but not convicted of their crimes. As such the universal and basic principle of 'presumption of innocence' is expected to be adhered to by the highest ranking adjudicators of the country. Moreover, the excessive emphasis on and remarks made by the Justices on corruption cases to the exclusion of a much larger number of criminal charges of murder, rape and kidnappings that came under the purview of the NRO exhibited a bias against the political class.

Case backlog increasing despite judicial policy

During the year 2010 there were more than 2.2 million cases are pending before the courts throughout the country. Whereas during the year 2009, when national judicial policy was announced, the total cases pending before the courts were 1.5 and it was announced by the NJP that the purpose of policy was provide speedy justice to the people within limited time.

Pakistan's new National Judicial Policy came into force from June 2009 aiming at clearing a huge backlog of 1.5 million cases in trial courts and close to 140,000 cases at the high court and Supreme Court levels in one year. The new policy, approved by the National Judicial Policy Making Committee (NJPMC), headed by Supreme Court Chief Justice Iftikhar Mohammad Chaudhry, aims at "a year for focus on justice at the grassroots level". The National Judicial Policy (NJP) was proved to have failed as the speedy delivery of justice were not followed by the courts from Supreme Court to the lower courts. The Law minister announced that there are 2.2 million cases pending in the whole of Pakistan.

The Federal Minister for Law and Parliamentary Affairs, Babar Awan has said that at least 2.2 million cases were pending in the higher and lower courts across the country. This he said while talking to the newsmen at the 'Meet the Press' programme of Karachi Press Club (KPC) on November 12. According to media reports, every month around 1000 cases are filed in Supreme Court but hardly 3000 are decided.

According to National Judicial Policy Making Committee and other media reports, till June this year 19,055 cases were pending in the Supreme Court, 2,092 in the Federal Shariat Court, 84,704 in the Lahore High Court, 18,571 in the Sindh High Court, 10,363 in the Peshawar High Court and 4,160 in the Balochistan High Court. This is apart from 1,565,926 cases were pending before the subordinate judiciary in the four provinces. The number of pending cases in High Courts, Supreme Court and the Federal

Shariah Court is 0.185 million and most of these cases have been pending for more than a decade. (UNS)

A British news agency claims that two to three thousand cases are filed in district courts daily but the rate at which the verdicts for these cases are announced is less than 1 percent. The NJP was announced on June 1, 2009 to ensure speedy justice to all and disposal of pending cases within a timeframe, but officials in various departments, especially police officers, seemed reluctant to appear before courts despite repeatedly summons, causing an inordinate delay in the disposal of cases, report said. The report, published in *Aaj Kal*, mentioned load shedding (power breakdowns) as another factor circumventing the judicial work coupled with acute shortage of judicial officers and lack of proper courtrooms. The report says the lower courts have tried their best to disposed of the pending cases with limited resources.

The poor performance of the presiding officers, corruption in the lower courts at all levels, nexus between presiding officers and police, the usual practice of taking dates by the lawyers from both the sides. The disposal of cases in the country is extremely slow, giving rise to the accumulation of cases before the courts and the inability of the judicial system to deliver justice in an acceptable and timely manner. The disposal of ordinary cases takes a minimum of five to six years in Pakistan's courts. If the cases go through the appeals process, they can take as long as 20 to 25 years, as each appeals court takes six to seven years to decide, and there are three to four such stages before reaching the Supreme Court.

Corruption in the judiciary

The other main object of the National Judicial policy was to eliminate corruption and a special cell will be set up to eliminate corruption from the judiciary. But till yet that cell has not worked for elimination corruption from courts. The chief justice of Pakistan has said that "Unfortunately corruption in lower judiciary not to be controlled so far," Chief Justice of Pakistan addressing the full court reference at the opening of the new judicial year on September 14.

The corruption in the judiciary has increased from the past year because of the increase in pending cases. To get the date to fix date for hearing of the cases the bribe to staff of the court is a common practice, this practice is not limited to lower judiciary but also at the level of higher judiciary with big amount as compare to lower judiciary. In the lower judiciary the readers are openly telling that amount goes to judge also. The lawyers are themselves pressing clients to bribe the staff otherwise their cases would not come. The higher judiciary is silent on the complaints of corruption which is blamed by the lawyer community as the political expediency of the higher judiciary. The corruption has reached its peak.

The courts are taking cases of corruption of government and its functionaries. Because of its intervention the many persons were apprehended and government proceeded to strike against high officials who were involved in corruption. An atmosphere of corruption from the country is diminishing because of strong actions from the Supreme Court.

Redresses of human rights violations

The remarkable work of higher judiciary is providing redress to the human rights victims. The human rights cells in judiciary particularly in the Supreme Court are dealing with the human rights cases. In many cases the higher courts have converted the urgent appeals and violation cases in to the constitutional petitions.

In the cases of disappearances the courts failed to recovered persons despite the identification of perpetrators like state intelligence agencies and paramilitary organisations.

In one case, where 11 persons from a prison were disappeared after their release, the Supreme Court worked to get them back. Initially, the state intelligence agencies refused to follow the orders for their release, however they were eventually surfaced and this represents a milestone in the Supreme Court's work. The ISI admitted to the court these persons were in its custody, having been arrested from the country's northern region.

The Supreme Court is however not advancing with cases of corruption of army personnel. A case of army involvement in politics and the distribution of vast sums of money among politicians to dislodge the elected government is still pending before the Supreme Court since 1999, but court continues to refuse to hear it. There are many cases pending in high courts concerning corruption of officers of the armed forces since 2002, but the courts are not taking them, due to the involvement of the armed forces. <http://www.ahrchk.net/statements/mainfile.php/2006statements/2332/>

1. Torture

Pakistan has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in June 2010, but in ratifying it, the government made reservations concerning many of the important articles of the convention. The government has made reservations on Articles 3, 4, 6, 8, 12, 13, 28, and 30. These reservations are coming from a government whose president himself has been tortured in custody.

The government has shown its reluctance to make torture a criminal offence in its laws. Article 4 says that 1) each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person, which constitutes complicity or participation in torture. 2) Each State

Party shall make these offences punishable by appropriate penalties, which take into account their grave nature.

Having reservations against this is an explicit demonstration of the denial of the protection from torture to people by the government through law.

Pakistan does not have any specific law relating to torture, though Article 14 (2) of the Constitution¹² expressly prohibits the use of torture for extracting evidence. Many jurists and academics however maintain the opinion, that the provisions in Chapter XVI of the Penal Code¹³ (particularly Sections 339, 340 and 349) cover the aspect of torture. But, torture, within the meaning attached to the 'act of torture' as prescribed in the Convention against Torture is not a specific crime in Pakistan.

The domestic jurisprudence concerning the use of torture is underdeveloped in Pakistan. The appreciation to exercise the right, as envisaged under Article 14 (2) of the Constitution, has thus far been minimal. To make matters further worse, in a claim against torture, the victims have the burden of proof, and there are no independent investigating agencies that are empowered to inquire on a complaint against torture.

Physical remand in police custody-a legal way of torture

The Pakistani judiciary and government have adopted a legal way of torture in custody through the method of physical remand in police custody. According to law the judicial magistrate can grant up to 15 days in police custody for further investigation of the case. This method is commonly practiced by the magistrates which provides a way to the police to complete its investigation and the easiest way is to torture the person. The law general known as police remand was introduced in the end of 19th century by colonial powers to get more confessional statement through torture and police brutal way of investigations. This law is continued which gives legal way to police and law enforcement authorities to get confessional statements through physical torture. Police torture is a colonial legacy, and red chili spray was one of the favourite tools by the police then, which used to extract confessions from the accused by applying this method.

The main source of torture in South Asia and particularly in Pakistan is the physical remand in custody. According to law the magistrate has to ask from the accused person whether he/she went through the torture in custody but this practice is generally not followed.

12 <http://www.pakistani.org/pakistan/constitution/>.

13 <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>.

The poor training of the police force is one reason for the perpetuation of the use of torture in custody. Because of the lack of awareness and training, investigation officers do not use the basic tools that can help point the investigation in the correct direction. They resort to outdated techniques, which leads to inefficient, slow or even unlawful proceedings. The claim that there is no need to change century-old 'traditions' thus helps the perpetuation of mistakes and abuses, such as torture. There is therefore a great need for better training, awareness-raising and equipping of Pakistani police forces in order to put an end to human rights abuses. A large and thorough reform of the policing system must be implemented.

On compensation:

According to the existing legal framework in Pakistan, a claim for compensation for an act of torture could be settled under the Shari'ah law, an opportunity often subject to absolute misuse in the country. Under the existing circumstances in the country, this procedure often benefits the perpetrator. Often the terms of the compensation are decided by the perpetrator, given the fact that in Pakistan, the law-enforcement officers enjoy a higher degree of authority in the society. By far, the courts in the country have been avoiding dealing with the question of torture. This undermines the possibility of using the civilian court proceedings to obtain compensation, as often the compensation proceedings also require a police report to substantiate a claim against torture.

On witness protection:

There is no specific law concerning witness protection in Pakistan. Due to this and because of the overall failure of the country's justice system, it is a practice in the country for the witnesses to be threatened or even murdered. Murders have happened even within the court premises.

The magnitude of the problem:

Torture in custody is a serious problem affecting the rule of law in Pakistan. It is used as the most common means to obtain confession statements. As yet, there has been no serious effort by the government to make torture a crime in the country. It provides impunity to the perpetrators who are mostly either policemen or members of the armed forces. Furthermore, there is no means for the protection of witnesses. This discourages victims from making complaints. While the international jurisprudence on the issue has evolved into very high standards, the situation in Pakistan resembles the stone ages.

In spite of the prohibition of torture in the constitution, the Pakistan Army is running detention and torture cells in almost every city in the country. The Asian Human Rights

Commission in a report¹⁴ has identified 52 such detention centres which are run by the military, where people who were arrested and disappeared are kept incommunicado and tortured for several months to extract the confession statements.

As of now there are no independent investigation procedures in Pakistan to investigate cases of torture. In addition, there is an alarming level of insensitivity among the legal professionals including the judiciary regarding torture in Pakistan.

It is in the day-to-day work of the lower judiciary that this underdevelopment is mostly visible. One example is the practice of the lower court judges allowing remand custody of the detainees with ease while it is clear that anyone detained will be subjected to torture in Pakistan. The courts even fails to make use of the little space available in the Criminal Procedure Code¹⁵ of Pakistan, where a judge could demand a reason from the investigating agency for demanding the custody of an accused than transferring the accused into judicial custody.

According to a research conducted by a Ph.D. scholar for gauging the total number of police tortures during the last five years in Lahore, capital of Punjab province, alone, 16.42 percent of youth aged between 15 to 19, 25.38 percent adults aged between 20 to 24 and 18.9 percent of adults aged between 25 to 29 years, were tortured by the police, during the period of research. Similarly, 18.62 percent of detainees were subjected to some sort of mechanical torture, including all forms of violence, besides domestic violence and blunt-tools were most commonly used. A similar study on prisons has further noted with concern that 91.54 percent of detained men and 8.46 percent detained women were victims of physical torture by the police therein. Moreover, 12.14 percent of detained women were subjected to psychological torture by the police. Because of their socio-economical helplessness, labour community, followed by the business community, was an easy prey of the police. It was also pointed out that body parts most frequently targeted for battering included buttocks, foot soles, back, front and back of thighs, palms and wrists. The most common tool used to inflict severe pain is the cane-stick and a broad flat leather slipper (dipped in mustard oil to inflict maximum pain) more commonly known as Chhithar.

The year 2010 has witnessed an increase in torture in custody, including torture in armed forces torture cells, torture at open places and in private torture cells of the police. In the presence of independent and powerful judiciary and elected parliament the law enforcement agencies have shown their power through torture in open places. According to reports there is an increase of 13 percent cases of torture in comparison to previous year.

14 <http://www.ahrchk.net/statements/mainfile.php/2008statements/1574/>.

15 http://www.ecoi.net/file_upload/1504_1216207715_code-of-criminal-procedure.pdf.

Following are the some reports and videos of torture in custody:

Videos of torture in custody

Army officers torturing in open place

http://www.dailymotion.com/video/xaodvt_video-shows-pakistan-army-abuse_news
<http://www.youtube.com/watch?v=U17gERJR-Aw&feature=related>

Police torture young men in public

<http://www.youtube.com/watch?v=-U8s6C3lhQ0&feature=related> http://www.youtube.com/verify_age?next_url=http://www.youtube.com/watch%3Fv%3Dg12_bZ9dWDI%26feature%3Drelated
http://www.youtube.com/watch?v=6MrJu5jL_yQ&feature=related

A media person tortured in a police station

<http://www.youtube.com/watch?v=M9Ouy4zyfaI>
<http://www.youtube.com/watch?v=M9Ouy4zyfaI>

Women being beaten

<http://www.youtube.com/watch?v=BAfyAKpHz9U&feature=related>

The ISI severely torture a soldier for five years on false charges of spying for India

The AHRC has been informed of a case in which a soldier was tortured by the Pakistani Inter Services Intelligence (ISI) on the false charges of working for the Research and Analysis Wing (RAW), of the Indian intelligence agencies in Pakistani-held Kashmir. He was arrested by the ISI and then disappeared for five years during which period he was tortured. He lost his teeth, his spine was fractured, his legs were burnt and he had a large injury mark on the head. He cannot walk without the help of at least two persons.

The victim was exonerated from all charges by a court martial at the Kharian cantonment, Punjab province. To-date he has spent more than Rs. 3 Million on his medical treatment but the military and government have refused to pay his medical bills.

According to the details, Mr. Mohammad Iqbal Awan, 39, son of Mohammad Yaqoob Awan, a resident of Salakan village, Tehseel Athmuqam, Neelam district, (post office Baiyan, Azad Kashmir of Pakistan), was recruited in the army as a Naik, the lowest rank, in February 2, 1990 in the 650 Mujahadeen Battalion. His military serial number was 433683. At some point in time the ISI tried to co-opt him to work for a Jihad (holy war) inside Indian Kashmir but being a professional army man he ignored their offer. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2668/>

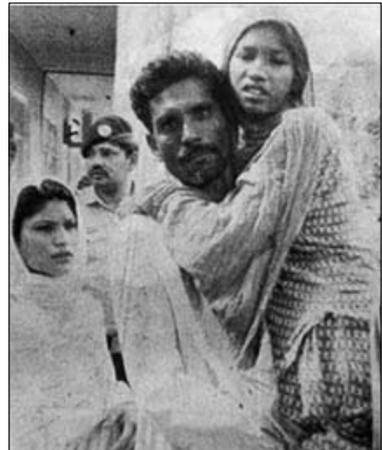
A missing person tells the court that he was tortured in the custody of the Frontier Corp, the judge was dumbfounded but could not do anything

Mr. Murad Khan Marri was missing for eight months before the Frontier Corp (FC) announced that he had been arrested in March 2010 while crossing the Afghan border into Pakistan. He was produced before the chief justice of the High Court of Balochistan province on May 25. Mr. Marri told the court that he had been kept in different places of detention and severely tortured since his actual arrest on June 27, 2009.

The victim said before the court that during his eight month's detention he was kept in different places and tortured severely. Most of the time during his detention he was kept blind folded so he was unable to say where he had been held. Due to the continuous torture he had fainted many times and on three occasions was brought to the CMH (at the time he did not realise that it was the Combined Military Hospital) for treatment. His statement about his illegal detention of eight months by the FC, his torture at their hands and the declaration by the FC of his fake arrest eight months after his disappearance placed the chief justice in an awkward position. The judge was dumbfounded by his revelations could not even ask him why he was tortured and kept incommunicado. Mr. Marri's lawyer, Mr. Agha, made several requests of the chief justice to order the quashing of the FIR in which he was falsely charged with crossing the Afghan border for the motive of militant activities inside Pakistan, carrying explosive materials and Indian currency. But the chief justice was unable to respond. Further details can be found here: <http://www.ahrchk.net/statements/mainfile.php/2010statements/2561/>

The Pakistan Air Force is running a torture cell at its Air Headquarters where six members of a Christian family were tortured, a girl lost her legs

A horrible report of the torture of six persons from a Christian family by officials of the Pakistan Air Force was received by Asian Human Rights Commission. The arrest and torture continued for a period of 18 days and was due to the suspicion that they had stolen gold ornaments from the house of a Wing Commander in the Pakistan Air Force (PAF). A 14 year-old girl and her 16 year-old brother were tortured by the Wing Commander himself. As a result the girl is now disabled and neither she nor her brother is able to walk properly. A Session Court has helped obtain the victims' release but has not initiated any judicial



Sumera, carried in the arms of her father, is produced in the court

process against the officials of the PAF even after finding evidence that the family was tortured and being detained illegally in the PAF torture cell. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2535/>

Police Torture Christians Arrested in Islamic Attack

<http://www.compassdirect.org/english/country/pakistan/10973/>

Two Christians in Gojra, Pakistan who allegedly fired warning shots as an Islamist mob approached that burned seven Christians to death on Aug. 1 told that they were tortured after police arrested them. Naveed Masih tells that he and his brother were taken to the Police Training Centre in Choong, where they were kept in illegal detention for 18 days and were tortured “in so many ways ruthlessly and in inhumane ways.”



“Sometimes we were not given anything to eat or drink except one time, and sometimes we were hung in a dark well while our faces were covered with a cloth,” Naveed Masih said. “They beat me with cane sticks on the back of my hands and sometimes hung me upside down and then brutally beat me.” Police kept them hungry for days, he said; when they asked for food, officers told them to confess that they had fired, he added. Naveed Masih said police tortured them to try to force them to say they had links with terrorist organizations that provided arms and ammunition to them.

Torturing jail inmates by taping their male organs

The male organ of three prisoners were taped for many hours in such a way that they could no longer urinate. Each was then forced to drink three to four litres of water. The jail dispenser subsequently administered each of the prisoners injections after which they started vomiting and had a strong urge to urinate. The three prisoners developed renal ailments as a result of the torture and one has also developed an infection of the urinary tract. Another prisoner was punished and detained in solitary cell apparently because the jail authorities presumed he had leaked the information of torture. Please see details here: <http://www.ahrchk.net/ua/mainfile.php/2010/3587/>

A senior journalist was abducted, tortured and kept incommunicado by the intelligence agencies

A shameful act of torture allegedly by the officials of notorious intelligence agencies and the Elite Force, a law enforcement agency of Punjab government was witnessed when

Mr. Umer Cheema, a senior journalist from the newspaper, daily The News International, was abducted, tortured severely and kept in incommunicado to threat and intimidate him from his professional duties. Several media reports suggest that persons from intelligence agencies carried out the act. The government has still not been able to arrest the persons responsible for the abduction and torture. In a routine way the orders to arrest the culprits and form an inquiry committee have been made by the government and the Ministry of Interior and the Lahore High Court has taken suo motto action. However, it appears that the government officials and the courts hesitate to take action against the intelligence agencies due to the culture of impunity. <http://www.ahrchk.net/ua/mainfile.php/2010/3543/>

A woman was gang raped and tortured for 50 days in a private detention center of police

On 10 August when Ruby went to attend the court hearing of her case, Constable Ishaq Masih of Mehmoodabad police station, Karachi with the help of constable Shahid and police informers, Shahbaz Masih, Iqbal Masih and Ms. Marium Masih abducted her from outside the court premises in a car. Ruby was taken to Qaidabad, 30 kilometers away from the city court premises, at gun point. She was asked to withdraw the case against police men for occupying her house illegally. On her refusal she was dumped into a house, an illegal detention center used for torture, and was forced to drink a coloured water. She fainted and when she came to she found herself lying naked on a cot. Then constable Ishaque and Marium again asked her to withdraw the case against them. On her refusal constable Shahid, Constable Ishaque, police informers Iqbal Masih, Kamran and Munir allegedly raped her during her illegal detention of 52 days.

On 30 September, she was thrown onto the railway line at Cantonment Railway Station from where she was taken away by an ambulance and admitted in the Jinnah Hospital. She informed her husband and then she was shifted to Civil Hospital on instructions of doctors. Before her release from illegal detention, her husband, Aijaz, has filed an application before the Court of District and Session Magistrate on 19 September, pleading that his wife has been abducted by police constables and their henchmen and police refusing to file case against police officials. On the orders of the court the Korangi Industrial police station lodged an FIR (First Information Report) against the accused police officials and their henchmen for abducting Ruby and keeping her incommunicado. On the same night police officials threw her in the jurisdiction of another police station, the Risala police station so that the FIR at Korangi police station should become ineffective. <http://www.ahrchk.net/ua/mainfile.php/2010/3595/>

Police torture a young man in front of his mother to elicit a bribe; he dies shortly after

On February 26, plain-clothed police officials of Satellite Town Police Station, Sargodha, Punjab province, raided the house of Mr. Muddasar Iqbal, 24, for his arrest in the case of a motorcycle theft. He was not at home, so his elder brother was illegally arrested instead by the Sub-Inspector of Satellite Town Police Station, Mr. Azmat Joya and his staff: Head Constable Babar Cheema and Constable Amir Abdullah.

Later that day the mother Ms. Zarina Bibi, an uncle Mr. Sher Mohammad and his son Manzoor Illahi went to the police station to enquire about the arrest of her elder son. Inspector Azmat Joya told them that he was a hostage: if she was to bring her younger son, Muddasar Iqbal, to the station, then her elder son would be released. He did not reveal the specific charges. She was told to bring Muddasar to police chowki (kiosk), a sub-police station of Satellite Police Station, and when she did so later that day, Inspector Azmat Joya started to beat the young man, and ordered her to leave. <http://www.ahrchk.net/ua/mainfile.php/2010/3401/>

A young Christian man has been tortured to death by Karachi police and jail officials for not paying bribes

A 31-year-old electrician, Mr. Abid Javed Francis was arrested without charge as he walked to a job, by Station House Officer (SHO) Khatak and Assistant Sub Inspector (ASI) Abdul Aziz of Ferozabad police station. He was beaten in public during the arrest.

Francis was held at Ferozabad police station and allegedly tortured for two days while requests for Rs10,000 (US\$ 125) in bribes were made from his family. The family resides in a slum settlement and the victim's mother was unable to raise the money. According to our information this led the police to blackmail the victim by filing a false case of harbouring illegal arms. This was logged through first investigation report (FIR) number 1273/2009 under section 13/D at 00:40 on November 24, two days after his initial arrest. The method and duration of Francis' arrest and detention and the use of torture are all illegal in Pakistan.

<http://www.ahrchk.net/ua/mainfile.php/2010/3348/>

An army colonel has had four men abducted and tortured due to a personal dispute, in Pakistan-held Kashmir

Four young men have been illegally arrested, detained and tortured by Inter-Services Intelligence (ISI) officials because of a minor personal dispute. The first victim was allegedly taken hostage by an ISI colonel so that his uncle would pay a debt, and the other three were friends of the victim who inquired about him at the local police station.

Three of the young men are still being held incommunicado and according to the fourth, who was released after six days, they have all been badly tortured by officials in a secluded place. The released victim is in ill health and has been warned against publicising the details of his friends' capture by the perpetrators. Although civilians in Muzaffarabad have held protest rallies, no action has yet been taken by the authorities. Please go through this link; <http://www.ahrchk.net/ua/mainfile.php/2009/3339/>

Disturbing testimony from Pakistan Police Torture

This is the anonymous testimony of a victim of torture at Dadyal Police Station - a typical story:

“The policemen would take it in turns, beating us for about 10 minutes, and then those policemen would leave and more policemen would come in and just carry on beating us. One beat me and then another beat me. They had sticks – like broom handles, about an inch thick, and bamboo canes. They would beat me on my fingers and on the soles of my feet, and then beat me on the back so that I could not sit or lie down. They had a pile of sticks in the corner of the room so that whenever they broke one, they could just get a new one. One would grab my head from behind and hold my arms behind my head, and another policeman would beat me. They beat me all over. Please see the whole story; <http://www.reprive.org.uk/>

Muslim beats Christian employee to death

Will the Islamophobia never end? “Pakistani Muslim Allegedly Beats A Christian Employee to Death, Injures His Brother,” from the Pakistan Christian Post, April 29 (thanks to C. Cantoni):

International Christian Concern (ICC) has learned that on April 21, a Muslim employer allegedly beat two Christian siblings with an iron rod killing one and seriously injuring the other in Sargodha, Pakistan.

The Muslim owner of ‘Five Star Switches’ company, Shafiq-ur-Rehman Khan, allegedly killed Waqas Masih, 14, and seriously injured Zeeshan Masih, 12, after they extended their leave from work for one more day without his permission. <http://www.jihadwatch.org/2010/05/pakistan-muslim-beats-christian-employee-to-death.html>

Christian barber beaten, sodomized for trimming a Muslim’s beard

A Christian barber in this Punjab Province city is still recovering from broken bones and other injuries sustained earlier this month after eight Muslims allegedly beat and sodomized him for cutting the beard of a Muslim.

Marwat Masih, 29, initially refused the request of 19-year-old Qandeel Cheema to cut his beard in Sargodha's Gulshan-e-Bashir town on April 13, knowing that area Sunni Muslims believe the Quran prohibits it. But Cheema, a high school student, told Masih that he had lived and studied in Lahore and therefore wanted a more modern look, the bed-ridden and feeble Masih told Compass.

"I refused to shave his beard, but he showed me his packed bags and said that he would leave the town straight after the shave, and so no one would ever know that I had shaved his beard," Masih said.

Eyewitnesses told Compass that as Masih was cutting Cheema's beard, the client's older brother - - was returning by tractor from his fields and, noting the family Jeep in front of the Marwat Hair Stylist shop, stopped in.

"When Shakeel Cheema, a local radical Muslim land owner Shakeel Cheema, saw me shaving his younger brother's beard, he became angry and started vandalizing mirrors, the sound system and chairs, and he desecrated a wooden cross perched on the top of the front mirrors," Masih said. "He also started beating my head with his shoes." <http://www.jihadwatch.org/2010/04/pakistan-christian-barber-beaten-sodomized-for-trimming-a-muslims-beard.html>

Police officers charged with torture, but no law exists to prosecute

The whole of Pakistan watched through many television channels the public beating and torture of seven accused persons by the police officials in district Chiniot, Punjab province. The victims were striped naked in public by the station head officer (SHO) and four other officials, three were in plain clothes, of Bhawana police station and beaten with a wide leather strap, known as Chittar. Each accused was punished with 30 hard lashes with full force and two of them fainted on the spot. After this illegal punishments the accused were admitted to hospital on the orders of high officials of the province. The scene was watched by teenage girls and boys students of nearby schools. Please see the following video footage of public torture taken by cell phone: http://www.youtube.com/watch?v=cMO3Kwe8K20&feature=youtube_gdata

The officers of Bhowana police station are notorious for torturing the accused persons. SHO Abdur Razzaq, The SHO is known as an 'encounter specialist'. According to daily The News, Locals allege he beat the detained suspects daily at 11 pm. This is the same police which tortured Mr. Shafiq Dogar, chairperson of Star Welfare, for many days in moth of May 2009. An enquiry into Dogar's torture was ordered by the chief justice of Lahore high court but nothing has happened. The deputy superintendent of police (DSP), Mohammad Akram was suspended briefly but soon he regained the

same position. Please see the details of his <http://www.ahrchk.net/statements/mainfile.php/2010statements/2451/>

PAKISTAN: Shameful acts by the lawyers to ruin the rule of law

Lawyers have stormed the Lahore Session Courts to show their solidarity with a lawyer and former president of Lahore high court bar association who was arrested in the murder case of a 12-year-old Christian domestic helper. The girl was allegedly tortured. The lawyers, more than three hundred under the leadership of president of the Lahore Bar Association, went to the Session Court and took possession of the accused lawyer, Mr. Naeem. They then scuffled with media personnel and policemen who threatened that they would be punished if they did not leave the court. It then became difficult for the judge to proceed with the legal requirements of the case.

In the presence of so many lawyers, the judge announced the one-day police remand of the accused but when different television channels criticized the session judge by taking sides with the lawyers the judge later on in the afternoon announced that the accused person had been handed over to the police for three days so that they could conduct their investigation. The lawyers then chanted slogans in favour of accused lawyer and against the media to project the case in the media.

According to the Christian right groups and the electronic media, Miss Shazia Bashir Masih, a resident of Islamia Park, Punch Road, Aria Nagar, Samanabad, Lahore, was allegedly tortured and killed by her employer, Mohammad Naeem, the lawyer and his family members. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2384/>

Disappearances

It is an irony that disappearances could not become a national issue because of an opportunistic and compromising attitude of government, legislators and judiciary.

The disappearances in Pakistan have become a routine matter which looks that it has been accepted by authorities and including the courts that they cannot solve the issue because of the involvement of powerful institution, the Army and its intelligence agencies. The major political parties, who are in sizeable numbers in the parliament, are also silent on the issue of enforced disappearances and torture in military detention cells. The agony of the disappearances is that the menace is continued during the civilian government and every month, averagely, at least 5 to 6 persons are abducted by plain clothe persons and sometimes in presence of police, and disappeared. The police refuse to lodge FIR by saying that intelligence agencies are involved.

The cases of disappearances were pending in the courts particularly, in Supreme Court of Pakistan since 2006 with an increase of many new cases every year since then. It is said

that one of the main issue for the suspension of the chief justice Iftekhar Coudhry during General Musharraf was disappearances. But after the restoration of judiciary, ostensibly on the telephone call from chief of army staff, the pace of hearing the constitutional petitions against disappeared was slowed to that extent that no one was released on the order of the court but those who were released were thrown or dumped on the road sides by the abductors themselves. The higher courts never ask from the persons, who were disappeared, that when they were released and where were they kept. Most of the people testified before the courts that they were kept in military torture cells but courts and government did not move to investigate the issue of abduction.

Recently the Supreme Court has taken the case of disappearance of 11 persons from Adiala jail, Rawalpindi who were released from lower court but before their release they were whisked away by the intelligence agencies. This case has exposed the whole drama of disappearances that how intelligence agencies are involved in running their own law in presence of parliament and independent judiciary. The chief secretary of Punjab province said in his statement that intelligence agencies were involved in disappearance of 11 prisoners. The case is still in regular hearing and officials from military do not bother to attend the hearing after receiving several notices from the court.

In another case, a person arrested by army was disappeared and army does not respect the courts order

Mr. Muhammad Azhar, a civilian, working at Signal Battalion-84, Signal Centre Malir, Headquarters 25 Mechanised Division, 901 Field Security Section, Karachi, Sindh province, was arrested on May 12, 2010 on the charges pertaining to forgery and misuse of army documents along with others, and in such cases a civilian could be tried under the Army Act. Since then his whereabouts are unknown.

Her wife, Mrs Amina Aslam, has filed a petition in the Sindh high court for her recovery. The Battalion Commander and other officials including defence secretary are continuously ignoring to appear before the court. None of the respondent army officials appeared, nor was the communication supervisor produced in court. The high court found it self in awkward position as the army does not recognize the courts where they should be asked to question.

A disappeared person who was kept in incommunicado in military torture cells narrates the story of his disappearance and torture to the American Reporter Correspondence, Washington. Mr. Sohrab Sarki, a motel business owner from Yuba City, Calif., recalls the horror he felt when he first saw his face in the mirror after 27 months of army torture.

He narrates that he was forced to live like a blind man in a dark dungeon for eight months, so completely denied daylight that he could not know if it was day or night,

after Pakistan's Military Intelligence secretly abducted him on suspicion of promoting U.S. interests.

"I literally lived like a blind man," says Sohrab Sarki, 43, bursting into tears. "I never cried as much [in my life]. I could not recognize my face. I thought I was looking at the skeleton of my father," he said, after he was allowed to shave and provided with a mirror. The major question they asked was that what is the agenda of the USA," he said. "I was made to stand in a three-by-three-foot cell for many days. Once my feet got swollen, they struck it with rods, which hurt in the extreme," he recalls. When Sarki went missing in Pakistan, members of Congress asked Islamabad about his whereabouts. "In a written response, Pakistan government lied to the U.S. Congress that they do not know Sarki's whereabouts," said Iqbal Tareen, chief coordinator of Forum for Justice and Democracy in Pakistan.

Thousands of people have reportedly been disappeared by the state intelligence agencies since 2001 working under the military. Mr. Sarki was among the lucky persons who were released in a mysterious way by the intelligence agencies but there are thousands of people whom whereabouts are unknown after their abduction by the plain clothe men from intelligence agencies with the help of Police.

The disappearances after abduction have never been stopped even after the formation of civilian governments and restoration of independent judiciary. The military being a strong institution does not stop its practices of running torture camps and keeping the opponents in incommunicado for many months. In so many cases, when people were released from military torture cells or dumped on the road sides after severe torture have narrated their stories before the courts and media but no action was taken. The courts have proved themselves as the poodle before the army. Since 2005 the cases of disappearances were pending before the higher courts particularly before Supreme Court of Pakistan but none of them were released by the orders of the courts, instead, the persons were thrown on the road sides and then police arrested them.

Since the elections of 2008 and formation of civilian government the cases of disappearances have been increased and government had failed to stop this practice. Particularly in the province of Balochistan, the law and order was handed over to Frontier Corp (FC), a Para-Military organization, when in 2009 the government has announced to suspend the military operation which was initiated by General Pervez Musharraf, the military ruler since 1999 to 2008. The FC was found very notorious in abduction, disappearances and killings. In its latest drive during this year FC was abducting activists from nationalist groups torturing them and with in some days the bodies of disappeared persons were found.

In the cases of abduction by the law enforcement/intelligence agencies police refuse to lodge the first information report (FIR), a police report for legal process. The chief justice of Pakistan in January 2010 has directed the police to lodge FIR of disappeared persons but police refuse to do because of involvement of powerful military intelligence agencies. The FIRs are mainly lodged on the interventions of higher courts. The breakdown of the rule of law, the corruption of law enforcement agencies and the absence of effective protection mechanisms have combined to enable mass disappearances, carried out with impunity in Pakistan.

The government has admitted to the Supreme Court that around 1,600 persons disappeared in 2008 and the Balochistan Provincial Ministry issued a list that contains 992 names of missing persons, on December 10, 2009. The disappeared are thought to include 168 children and 148 women. The police are complicit in these disappearances as police officers typically refuse to register First Information Reports (FIR) regarding cases of disappearances, eliminating the prospect of having such cases investigated, and therefore enabling impunity. The afore-mentioned list issued by the Ministry resulted from it making a public appeal for people to report missing persons. However, despite the Supreme Court and the Ministry now having lists of disappeared persons, there is only a small chance that any of these will be investigated, the victims' whereabouts located or those responsible prosecuted due to police inaction.

The rise in enforced disappearances and "kill and dump" incidents have only aggravated the already existing political tensions in the region and have already led to the spare of reprisal killings by Baloch armed groups, an end the ongoing militarization and find peaceful ways to resolve the five decades of political rebellion.

It is reported from the different human rights groups, Defence of Human Rights, Islamad and Asian Federation against the Enforced Disappearances (AFAD) that around 8000 people are disappeared from through out Pakistan. The most affected areas are provinces Balochistan and Khyber Pakhtoon Kha (former NWFP). The Balochistan is at top as nationalists groups claim that around 6000 persons are disappeared where as the remaining disappeared people are from Sindh, Khyber Pakhtoon Kha, Punjab and Pakistani Kashmir.

The enforced disappearances are blatant infringes of the Universal Declaration of Human Rights acts, examples relating directly to Pakistan's incommunicado detentions are articles number 5 which states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." And article number 3 that states "Everyone has the right to life, liberty and security of person." How can the Pakistani Government and Military have such blatant disregard for these universal rules of Human Rights? And what can be done to prevent these forcible disappearances, rescue those detained or at the very least bring justice and closure to the families and persons affected?

Failure of the Commission on disappearances

The official commission on probing the cases of disappearance, which was formed in May 2010, proved to be failed as it has not come out with any significant development in probing the disappearances nor it has pointed out the causes the disappearances. Its prescribed time was for three months but during whole year it has sorted out 34 cases from hundreds of disappearances but has not reached to any conclusion.

The commission is consisted of one retired justice from Supreme Court and two retired judges from high courts. The terms and condition of the commission was that it would prepare a comprehensive list of the missing persons with all relevant information. It will collect evidence or testimony of missing persons and examine and compile a list of persons whose custody was at first denied but subsequently admitted and about their present status. The Commission will recommend appropriate procedures for tracing missing persons, and appropriate compensation to the victims of enforced disappearances. It will also fix responsibility on individuals or organisations responsible for enforced disappearance of persons, and will also suggest ways and means to prevent the recurrence of such incidence.

Still no investigation has started in the cases of disappearances of 168 children 148 women

The Commission to probe missing person's cases has not investigated or taken as seriously the lists of 168 children and 148 women. Two lists of disappeared persons were released separately, one by Voice for Baloch Missing Persons (VBMP), an NGO which works to document the cases of missing persons from the area and the other by the Provincial Interior Ministry of Balochistan. The missing people have allegedly been taken by Pakistani intelligence agencies for interrogation over their alleged link to Balochistan separatists and other militant groups in the country.

The Provincial Ministry issued a list of 992 persons on December 10, 2009 who were missing from different areas of Balochistan. Home ministry officials said the list was issued along with bio data provided by the government under the Aghaz-e-Haqooq-e-Balochistan, a package announced by the federal government which is working towards reconciliation with the people of Balochistan. The Chief Minister of the province of Balochistan, Sardar Aslam Raisani, said on January 13th that there are 999 people from Balochistan missing, and only four have been recovered.

VBMP's lists of disappeared persons details the names, fathers' names, age and location

from which the person is said to have disappeared.¹⁶ The age of missing children ranges from four years to eighteen years, and the majority of these children are girls. The list also shows that 148 women are missing.

Disappearances in Balochistan

Two children were abducted, disappeared and killed on charges of links with militants. Cases of abduction and killing of children by the law enforcement agencies were also reported in the media. On October 18 a young man, Master Abdul Majeed, aged 14, son of Haji Mohammad Ramzan Zehri, a well known trader, was abducted, allegedly by the Frontier Corps, as claimed by his family, and on 24 October his body was found in Koshak river at Khuzdar district. There were bullet wounds on his head and chest. He was an activist of the Baloch Student Organisation Azad and was a student in class eight.

Another student, Master Mohammad Khan Zohaib, aged 14, also an activist of Baloch Student Organisation Azad, was abducted in July by plain cloth persons riding in a black coloured Sarf pickup, which is generally used for abduction by the state intelligence agencies. His bullet riddled body was found in Khuzdar, Balochistan province, on 20 October. His family members claim that he was arrested by the personnel from Frontier Corp (FC) for having links with militants who are fighting for the greater autonomy of the province.

Practicing doctor was disappeared for providing treatment to alleged terrorists

From Khuzdar city of Balochistan, a practicing doctor, Fazal Zehri, was abducted from his clinic by unknown persons on 24 October. His relatives claim that he was abducted

16 Please see the following links from the government of Balochistan for the list of the 983 missing persons:

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-01.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-02.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-03.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-04.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-05.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-06.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-07.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-08.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-09.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-10.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-11.jpg>;

<http://www.ahrchk.net/statements/images/2010/AHRC-STM-019-2010-12.jpg>;

and the lists documented by Voice of Baloch Missing Persons (VBMP) here:

<http://material.ahrchk.net/pakistan/AHRC-STM-019-2010-01-BalochMissings.pdf>;

<http://material.ahrchk.net/pakistan/AHRC-STM-019-2010-02-BalochMisplaced.pdf>.

by FC personnel who suspected that he was providing medical aid to injured Baloch insurgents at his clinic. His whereabouts are unknown since then. The clinic of the doctor is now under siege of law enforcement agencies.

A political activist was disappeared

On 2 October, Mr. Ahmed Dad Baloch of the Republican Party was whisked away by FC personnel with the help of police from Gwadar zero point. Ahmed Dad Baloch was travelling along with his family to Karachi on the Javed Coach. When the coach reached Zero point officials of the state intelligence agencies and police stopped it and Ahmed Dad being was taken off in front of his family and shifted him to unknown location. It is the fifth incident of abduction of political activists from Gwadar, Balochistan, during past some months. Previously, Abdul Rehman Arif, Mahboob Wadhela, Ramzan Baloch, Saeed Ahmed were abducted by the Pakistani military intelligence agencies.

During house to house searches around 20 persons are disappeared after arrest, including two children

The FC and army conducted the operation in Mashkay to search for the hideouts of Baloch insurgents who are fighting against the military control on their province. The Mashkay is the home town of one insurgent, Dr. Allah Nazar, and to arrest him and his companions the FC searched each house in Mehi, a small town of the district, and arrested around 20 persons and since then their whereabouts are also unknown. Meanwhile in Mehi, the birthplace of Dr. Allah Nazar Baloch, a school teacher Raza Mohammed Baloch, his relatives Adam Baloch, Aziz Baloch, Rasool Bux Baloch. Bashir Ahmed Baloch, a tailor and his two sons of aged 9 and 13 are also missing after arrest. The Houses of the members of Baloch Student Organisation (Azad) Fida Baloch, Zahoor Baloch, Haroon Baloch, Mustafa Baloch and Gul Hassan Baloch were burned down. Family members of these students, including women and children, were humiliated in public and severely beaten on the roads. For details: <http://www.ahrchk.net/ua/mainfile.php/2010/3590/>

Government declares that a missing person was released but for almost since one year his whereabouts are unknown

The life of a student leader who was arrested by state intelligence officials is in danger. It is apprehended that he might have been killed. The government of Balochistan says that he was released on January 22, 2010, but his family members have said that he has not yet returned home. They have inquired after him at all local police stations, asking if he was booked under another case, but have not been able to find him.

Mr. Zakir Majeed, a student leader, was allegedly abducted by state intelligence agents on June 8, 2009 from Mastung, near Quetta. Majeed is the senior vice chairperson of the Baloch Student Organization, Azad. His alleged abductors drove up in two cars without number plates and asked the young man a few questions, saying that they were intelligence agents. They took Majeed away with them in their cars without making any charges. One car was a Toyota Vego, the other a Toyota Surf SSR. After UN Special Rapporteurs on Disappearances wrote letters about Mr. Majeed's disappearance, his release was announced by the National Crisis Management Cell (NCMC) For more details: <http://www.ahrchk.net/ua/mainfile.php/2009/3175/>.

PAKISTAN: Frontier Corp makes missing persons a marketable commodity

A man named Murad Khan Marri was arrested near his house on June 27, 2009. Since then he was kept incommunicado in secret detention and was thought to have disappeared. His name was entered into the official list of missing persons. On March 27th 2010 the Frontier Corp claimed that he had been arrested trying to enter the country from Afghanistan. On this basis the Frontier Corp attempted to claim the reward money. This case clearly exposes the practice of illegal arrest, illegal detention in secret prisons and the exploitation of this later for claiming rewards.

Mr. Murad Khan Marri, who was recovered eight months after his disappearance, a conflict has arisen between the government of Balochistan province and the Frontier Corp (FC) on the head money (reward) for his capture. The FC has shown that they arrested Mr. Marri on March 27, 2010 and are demanding that the Provincial Ministry of the Interior hand over the Rs. 3 Million (USD 36,585) which was announced by the provincial government last year. However, the Ministry claims that Mr. Marri has been missing since June 2009 and that his name was mentioned in the official list of missing persons. Therefore, the Ministry is claiming that it cannot arrange such a large amount without a proper investigation.¹⁷

Disappeared lawyer and his cousin were killed, another lawyer and four persons remain missing after their abduction

Mr. Zaman Marri, aged 38, a lawyer by profession, was abducted on 19 August 2010

17 For further details please see here: <http://www.ahrchk.net/ua/mainfile.php/2010/3407/>;
<http://www.ahrchk.net/ua/mainfile.php/2010/3407/>;
<http://www.ahrchk.net/statements/mainfile.php/2010statements/2504/>;
<http://www.ahrchk.net/statements/mainfile.php/2010statements/2519/>.

near his law office on Jinnah Road, Quetta, the capital of Balochistan province, while he was on his way home to Killi Kamaloo, in the outskirts of Quetta. At around 7pm, as he was leaving office with his cousin, two vehicles blocked him and plain clothed persons threw him inside a van. The bystanders protested and tried to stop the van from leaving but the plain clothed persons identified themselves as the officials from the FC (Frontier Corp) and threatened to use their firearms.

The lawyers also boycotted the courts and the Chief Justice of Balochistan High Court took suo moto action against his disappearance. He issued notices to the government and the commander of the FC.

On 5 September, Zaman Marri's bullet-riddled body was found in the Ghuncha Dhori area of Mastung city, 40 kilometers away from Quetta city. His body was so badly mutilated it could not be identified Zaman Marri had been representing many Baloch political detainees and disappeared persons without charge. He had been receiving threats from unknown callers not to follow up the cases of disappearances in the High Courts.

Mr. Zaman Marri was also pursuing a case on behalf of his cousin, Mr. Ali Ahmed Marri alias Alliya Marri, who was arrested by plain clothed persons on 7 April along with his three friends, Kamal Khan Marri, Lala Marri and Lal Mohammad Marri. At the time they were on their way home to Killi Kamaloo, Quetta, from Hazar Ganji fruit and vegetable market when the plain clothed persons who identified themselves as FC officials stopped their car on the Hazar Ganji link road. They were immediately blindfolded and put into a vehicle that been waiting for them at the FC check post. Their Alto car had also been taken away. A few hours later a relative of the abducted men, Mr Azad Marri, was also detained as he was traveling to the Shalkot police station to register an FIR against the forced-disappearance of his relatives. Like the other man Azad was also first stopped by the FC near Qambarani road check post and later handed over to the intelligence agencies.

On 11 September, Alliya Marri's mutilated body was found in the same area where Zaman Marri's body had been found. <http://www.ahrchk.net/ua/mainfile.php/2010/3555/>

Two Baloch political activists were abducted in April and since then no whereabouts are known

Mahboob Ali Wadela is a senior member of the Baloch National Movement (BNM), which is part of the Baloch National Front (BNF), a nationalist movement struggling for greater autonomy of the province. He had been traveling in a passenger vehicle in Karachi



bound for Gwader, a port city in Balochistan on 2 April for just a few minutes when it was stopped by uniformed police from Maripur station in Yousuf Goth. Since then his whereabouts are unknown and it is apprehended that he might have been killed. According to passengers on the bus two vans resembling army vehicles arrived at the scene almost immediately and plain-clothed persons emerged and began to check the identity cards of the passengers. When they came upon Mahboob they reportedly pulled him from the bus with his luggage and drove him away in one of the unmarked vehicles. The passenger vehicle was then prevented from leaving the area by police for some time.

Mir Bohair Bangulzai, another member of the BNF, was abducted from his car on Thursday 1 April 2010 from Askari Park in Quetta, Balochistan. According to eyewitnesses he was driving home when he was stopped by uniformed police officers. Persons then emerged from a double cabin Toyota Hi-Lux jeep and despite the efforts of passersby to rescue Bangulzai, abducted him and drove away. The vehicle was driven by a person in plain clothes who identified himself as Frontier Corp (FC) personnel. Though man's relatives have contacted the local authorities, Quetta police have illogically and illegally cited false police procedure: they have told relatives that they will investigate the incident before they file an FIR. <http://www.ahrchk.net/ua/mainfile.php/2010/3426/>

BBC reports about missing persons

Changez Marri, a government servant says to BBC that my brother, Chakar Khan Marri, was picked up by the Frontier Corps [FC] troops in September 2009 because he and eight other students tried to meet the principal of their college in connection with some student grievances."We still don't know where he is. A writ in the court has also not helped because the FC and the intelligence agencies say he is not in their custody."

A retired veterinary surgeon, Dr Abdul Wahab Bungulzai, has been looking for his 20-year-old son, Abdul Hai, since August 2009. "The FC picked up Abdul Hai outside his college in the presence of his colleagues. When I tried to meet the colonel concerned, he refused to see me. We went to the court, but nothing happened," he says.

'Secret cell'

A notorious case of a "forced disappearance" - as they have come to be known - is that of Asghar Bungulzai, a local tailor from the Saryab area of Quetta. He was allegedly picked up by investigators from Pakistani intelligence in October 2001. Between 2003 and



Dr Abdul Wahab Bungulzai, whose son, Abdul Hai, has been missing since 2001

2005 the family was in touch with Brig Siddique of Pakistan's Inter-Services Intelligence (ISI), who acknowledged Mr Bungalzal was in ISI custody and that he would be released soon. That has not yet happened.

Mr Bungalzal's son, Ghulam Farooq, was just 11 when he went missing. He is now 20.

"We know my father is alive. Sometimes we get his news. But we don't know where they have kept him, or whether they will ever release him," Ghulam Farooq says.

Tidings about the missing are often brought to relatives by cell-mates lucky enough to have been released by their captors.

One such person is Shahzeb Baloch. "I was in a (secret) detention cell for three months, and there I met several 'missing' political activists, some of whom are still in captivity," he says.

He says he was severely beaten when he was arrested, then handcuffed, blindfolded and driven to a location about 30 minutes away. Later he was taken to another location after a 12-hour drive.

He says he was interrogated six times during his captivity. On all occasions, he was stripped naked and lashed on the buttocks.

When he was not being interrogated, he was kept in chains, with a hood on his head.

"During those months, I started praying for death because life had become too painful, too undignified," he says.

Most people blame the Frontier Corps for picking up suspects and holding them in their safe houses across the province.

Disappearances in Pakistani part of the Kashmir

The country's notorious Inter Services Intelligence (ISI) has allegedly been involved in orchestrating the disappearance of dozens of persons that they had trained as Jihadis in Pakistani held Kashmir, Azad Kashmir. The intelligence agencies particularly, the Inter Services Intelligence (ISI), is accused of training and sending people inside Indian held Kashmir for the Jihad or providing information of militants working inside other parts of Kashmir. The family members of the disappeared people are also stating that when people who worked for intelligence agencies leave the Jihad and return to their normal lives they are nabbed by the ISI and shifted to unknown places as punishment for not working in the interests of national security. There are also reports that some missing

persons, who were sent to collect information from Indian Kashmir, were also hired for smuggling liquor and other Indian items when they come back to Pakistani Kashmir after completing their assignments. These persons were aware that Zakir was receiving threats from ISI officials.

The close working relationship between the military and its intelligence agencies, the Taliban and other Muslim militants should be of utmost concern to Pakistani citizens, the country's neighbours and the international community as a whole. Despite the democratic change of political leadership in the country, the military remains above the law and able to enjoy impunity for past and ongoing human rights abuses.

During the last six months of 2009 the AHRC has documented cases of disappearances in Kashmir according to which the whereabouts of 15 people arrested by the security forces are not known. They were arrested by security persons in plain clothe from different parts of the Tehsil Kotli along the Indian borders. Among them are six persons who were trained in the camp at Solna village, Kotli and had left the holy war. The family members of Altaf, Qadeer, Qasim, Mushtaq, a resident of refugee camp at Solna area, Kotli, who were disappeared after their arrest by security forces, say that they were told by the local office of ISI that the persons are with them and will be released soon. However, to date no one has been released. The political parties, particularly the United Kashmir Peoples National Party (UKPNP), claim that the people were previously trained for holy war for across the border. Please see the detailed report by visiting this link; <http://www.ahrchk.net/statements/mainfile.php/2010statements/2380/>

Please also see the following links regarding similar action conducted by the ISI and military in Azad Kashmir: AHRC-UAC-069-2009; AHRC-UAC-172-2009; AHRC-STM-137-2010; AHRC-STM-156-2010 and AHRC-STM-011-2010.

A disappeared young man was killed after release from disappearance for refusing to join Jihad

<http://www.ahrchk.net/ua/mainfile.php/2010/3547/>

Mr. Asim Zakir, 24, son of late Mr. Mohammad Zakir Khan, a resident of Sangar Hurnamira village, Rawalakote, Poonch district, Azad Kashmir, was employed in the electricity department in Rawalakote, Before joining the electricity department Asim Zakir was a student at a Muslim Madressa (seminary) in Miranshah, the capital of North Waziristan agency, a federally administered region. The Madressa was run by the Taliban, which was also involved in training the students for Jihad or holy war. When his father died Zakir, being the eldest son, joined the electricity department and took up his father's position in order to support his family.

On 10 March 2010, at around 1.30pm, as he was going home, he was picked up by unknown persons at gun point and severely beaten at the scene. The people and his colleagues saw the incident and they chased the abductors. After some distance the abductors took Zakir to a helipad where he was thrown into a helicopter, which took him to unknown destination.

After his abduction the employees of the electricity department protested and went on strike disturbing the electric supply of the city. Seeing the reaction from the employees and civil society of the Azad Kashmir, the Inter Services Intelligence (ISI) released him from incommunicado detention ten days after his abduction. Mr. Zakir told the media and his colleagues that he was kidnapped by the ISI and was tortured. During his illegal detention he was forced to continue his education in the Madressa and participate in Jihad (holy war) against the forces of evil. His ordeal was not extensively covered in the media because of the self censorship of the media houses and their sympathy towards the intelligence agencies. Following his release he was continuously receiving threats from the ISI and some Jihadi elements.

Asim then decided to resign and leave Rawalakote. He traveled to Jandola, South Waziristan, where he started the construction of a school. But he was never free of the threats from unknown persons. He told his younger brother and his friend that he was receiving threats from the ISI that if he did not join the Jihad and his previous Madressa he would face problems or his younger brother Aaqib Zakir would be made shaheed (martyr).

Sindh: The disappearances of Akash Mallah and Khaskheli after their arrest-police ignores the order of chief justice of the country

According to the details received from the victim's family and the media, Mr. Sikander (generally known as Aakash Mallah) and Mr. Noor Mohammad Khaskheli were well known leaders of a Sindh province nationalist party, Jeay Sindh Qaumi Mahaz (JSQM) when they were publicly abducted. Witnesses describe an illegal arrest conducted by 10 to 12 men in total: uniformed Bhattai Nagar police (from Hyderabad) with a number of persons in plain clothes. The victims' party believes the arrest was in connection to an independence march being organized for 7 November in Karachi.

The brother of Mr. Mallah, Mr. Haji Anwar Mallah, filed a habeas corpus petition before the Hyderabad District and Sessions Court on 4 November 2009, and before the Sindh High Court (Hyderabad branch) the following day. This is despite his family receiving threats warning them not to contact media or the courts. The Hyderabad District Police Officer (DPO) denied in writing that the men were in police custody within his jurisdiction, and again when he appeared before the Sindh High Court on 24 November 2009.

The Chief Justice of Pakistan took *Suo Moto* action on the case on 11 March, ordering the regional police officer (RPO) in Hyderabad to arrest the deputy superintendent of police (DSP) and station head officer (SHO) and produce them the following day. However the two men, Sikandar Bhatti and Ghulam Muhammad Memon respectively, denied having arrested or detained the men. They asked for time to establish the detainees' whereabouts and the bench gave them and two other officers (RPO Fayyaz Leghari and DPO Javed ALam Odho) 15 days to find the two men and produce them before a district and sessions judge.

The deadline for the investigation has now passed and the men have not been located, nor a report been given. The Supreme Court is due to take up the matter shortly. However it is of great concern to the AHRC to note the failure of the Supreme Court and Sindh High Court to effect action in such clear cut cases of disappearance. <http://www.ahrchk.net/ua/mainfile.php/2010/3412/>

Islamabad: A senior journalist was abducted, tortured and kept incommunicado by the intelligence agencies

Mr. Umer Cheema, a senior journalist from the newspaper, daily The News International, was abducted, tortured severely and kept in incommunicado to threat and intimidate him from his professional duties. Several media reports suggest that persons from intelligence agencies carried out the act. The government has still not been able to arrest the persons responsible for the abduction and torture. In a routine way the orders to arrest the culprits and form an inquiry committee have been made by the government and the Ministry of Interior and the Lahore High Court has taken *suo motto* action. However, it appears that the government officials and the courts hesitate to take action against the intelligence agencies due to the culture of impunity.

He was kidnapped, tortured and humiliated for six hours on 4 September. He was picked up in cloak-and-dagger style in the wee hours by men in commando uniforms and driven to a "safe house". Here unknown persons took over; he was beaten black and blue, humiliated beyond one's comprehension, made to strip off his clothes, hung upside down and remained in the illegal custody for hours. Finally, he was thrown out on the roadside at Talagang, 120 kilometres from Islamabad with a shaved head and a threatening message for Ansar Abbasi, the head of the newspaper's investigative section.

Umar Cheema was a 2008 Daniel Pearl Fellow. In 2004 during General Musharraf's government, he was deliberately hit by a moving car while doing a story on international inspection of Pakistan's nuclear power installations. <http://www.ahrchk.net/ua/mainfile.php/2010/3543/>

Masood Janjua missing since 2005-an example of higher courts inability for his recovery

Mr. Masood Janjua and Faisal Faraz disappeared on 30 July 2005 and their families have not seen them since then. Mrs. Amina Janjua's, wife of Masood Janjua, efforts to find her husband and his friend have been met with silence, denial and obstruction. Several people have testified to having seen Masood Janjua in detention, but the authorities continue to deny any knowledge of his whereabouts.

The case of Janjua is pending before Supreme Court since 2006 but court failed to make any progress in the case because of involvement of military intelligence agencies in his abduction. Many times telephone calls from intelligence agencies have told his wife that he and his friend are with them. These information was delivered to court but court shown its apathy. The two men are among hundreds, possibly thousands, of people who became victims of enforced disappearance after Pakistan joined the US-led war on terror in 2001. In November 2009 the Supreme Court started hearing disappearance cases, but in March 2010 these cases were transferred to a newly created Judicial Commission. This body has a narrow mandate and to date has failed to scrutinise the role of the intelligence services the main body accused of involvement in disappearances and to hold them to account. Meanwhile the families of Masood and Faisal continue to fear for the lives of their loved ones.

A young man goes missing in custody after policemen raped him

A young man has disappeared from police custody after being raped by two police officials. The police officials have been arrested after protests by the villagers but the young man has not been recovered. The district police of Naushahro Feroze, Sindh province, have not initiated a proper investigation into his disappearance.

According to the details received on May 20 at 8:30 pm, Mr. Imran Jokhio, (17) a tailor by profession, was stopped by two police officials, Head constable Ilyas Sahito, and Constable Ghulam Rasool Marri, of the Phull Police Station, Naushahro Feroze district, Sindh province, at Mafi Faqir Bridge at Rohri canal while he was travelling in an auto Rickshaw (three wheeler). Since then his whereabouts are unknown. Please see the details in following link; <http://www.ahrchk.net/statements/mainfile.php/2010statements/2906/>

Extra judicial killings

Because of self censorship by the media houses themselves the extra judicial killings by military and Para-military forces are no more find any space. The Pakistan army is well protected by media, judiciary and politicians in the name of national security. After the 9/11 the extra judicial killings by the army and its Para-military forces have been

increased in many folds. Two provinces, Balochistan and Khyber Pakhtoon Kha (KPK), former NWFP, are much more affected where daily the cases of extra judicial killings are reported.

In one case, the report names a specific unit of the army, the 12th Punjab regiment, as being responsible. According to the report, the regiment detained a resident of the Matta area of Swat, Farman Ali, along with two other men on 28 March this year.

The bodies of the other two men were later produced by the military and presented as Taliban militants who had allegedly been killed in a clash with the army.

Then Mr Ali's body, with a gunshot wound to the head, turned up in a field on 26 May. <http://www.bbc.co.uk/news/world-south-asia-10667545>

In KPK during the army operations in various parts the army officials are involved in torture and killing of the suspected militants in open places. According to the local journalists and human rights activists, the army officials are making the videos of torture and extra judicial killings and then distribute through their means at large scale to scare the population so that no resistance come from the masses.

In Balochistan province, the Frontier Corp (FC), a Para-military force, has been in charge of law and order situation since 2008 when Army operation was taken back by the civilian government. However Army still has over all security responsible against the terrorism and insurgency. The disappearances and extra judicial killings are conducted with the help of the state intelligence agencies run by Pakistan army. In recent months dozens of bodies of disappeared persons were found with bullet and torture marks.

The media generally do not cover the incidents of disappearances allegedly by FC and plain clothe persons about whom the relatives and friends claimed that the plain clothe persons were from intelligence agencies as they have themselves claim during arrests and abduction. The media avoid carrying the news because of involvement of Para-military forces and want of evidences. For extra judicial killings by the army and its organizations can not get the space from media. Media is generally blank because of army. The media has never taken the notice of at least 52 torture cells run by army and some by Pakistan Air force and Pakistan Navy.

The judiciary also does not take any case of extra judicial killings by army and its forces. It was expected that the judiciary after its independence would take Sou Moto (taking action itself) action for extra judicial killings even after receiving the video clips and finding bodies of disappeared persons rather than taking Sou Moto actions on rumors. There is strong criticism on judiciary that it takes quick action against democratically

elected government rather than on torture in army torture centers after the evidences of persons passed through torture in army torture centers.

The Drone missiles attacks by US forces with the consent of Pakistan government are an explicit and latest form of extra judicial killings by foreign forces in Pakistan. A new way, in which no law applies to stop the killings and also does not come in the jurisdiction of courts. During this year around 900 people were killed by drone attacks in more than 100 attacks.

Videos of extra judicial killings by army:

http://www.liveleak.com/view?i=8d7_1285880614

<http://www.mefedia.com/watch/32962677>

<http://www.youtube.com/watch?v=Pib3jxbcF2E>

<http://www.youtube.com/watch?v=5xAFJ42CHCE&feature=related>

Hundreds of people were killed in extra judicial killings by Pakistan army

The Pakistani army is facing accusations of carrying out extra-judicial killings and torture, claims which could threaten US funding for any units singled out for abuse.

New York-based Human Rights Watch said it had briefed US State Department and congressional officials about mounting evidence of more than 200 summary executions in Swat Valley in the past eight months of suspected Taliban sympathisers.

The Lahore-based Human Rights Commission of Pakistan provided a list of 249 suspected extra-judicial killings from July 30, 2009, to March 22 this year, saying most of the bodies were found in Swat. <http://gulfnnews.com/news/world/pakistan/pakistan-army-faces-accusations-of-extra-judicial-killings-torture-1.608428>

Six young men were killed by army

The video clips show men in uniform of soldiers with foreign weapons, most probably US branded, killing a group of tied and blindfolded detainees, apparently the Taliban. The videos have raised questions about the ethical values and respect for human rights of Pakistan Army.

Meanwhile various factions of the Pakistan government and civil society have condemned posting of the footages and have termed the videos as fake. It is pertinent to note that

the videos do not clearly show that the men in soldier's uniform are in fact the men of Pakistan Army. Majority of the civil and army officials in Pakistan believe that it is an attempt by the Taliban to demoralize the Pakistan Army.

The video, <http://www.bbc.co.uk/news/world-south-asia-11500198> which was apparently shot with a mobile phone, appeared on a website several weeks ago. It shows a group of men in army uniform who drag six blindfolded civilians into a line, and then shoot them. The video's authenticity cannot be verified; Pakistan's military said last week it had been fabricated. <http://www.allvoices.com/contributed-news/6969342-video-apparent-extra-judicial-killing-of-taliban-by-pakistan-army>

Extra judicial killings of children by the law enforcement agencies Balochistan

On October 18 a young man, Master Abdul Majeed, aged 14, son of Haji Mohammad Ramzan Zehri, a well known trader, was abducted, allegedly by the Frontier Corps, as claimed by his family, and on 24 October his body was found in Koshak river at Khuzdar district. There were bullet wounds on his head and chest. He was an activist of the Baloch Student Organisation Azad and was a student in class eight.

Another student, Master Mohammad Khan Zohaib, aged 14, also an activist of Baloch Student Organisation Azad, was abducted in July by plain cloth persons riding in a black coloured Sarf pickup, which is generally used for abduction by the state intelligence agencies. His bullet riddled body was found In Khuzdar, Balochistan province, on 20 October. His family members claim that he was arrested by the personnel from Frontier Corp (FC) for having links with militants who are fighting for the greater autonomy of the province.

A lawyer and his cousin were killed after their disappearances

Mr. Zaman Marri, aged 38, a lawyer by profession, was abducted on 19 August 2010 near his law office on Jinnah Road, Quetta, the capital of Balochistan province, while he was on his way home to Killi Kamaloo, in the outskirts of Quetta. At around 7pm, as he was leaving office with his cousin, two vehicles blocked him and plain clothed persons threw him inside a van. The bystanders protested and tried to stop the van from leaving but the plain clothed persons identified themselves as the officials from the FC (Frontier Corp) and threatened to use their firearms. On 5 September, Zaman Marri's bullet-riddled body was found in the Ghuncha Dhori area of Mastung city, 40 kilometers away from Quetta city. His body was so badly mutilated it could not be identified. <http://frontierindia.net/wa/pakistani-agencies-involved-in-the-wave-of-extra-judicial-killings-kill-the-third-baloch-lawyer/1667/>

The killing of Baloch leaders exposes the hate attitude of law enforcement agencies towards Balochistan

The two prominent Baloch political leaders have been assassinated within three days by unknown assailants riding on motorbikes. It is alleged by the political and nationalist groups of the province that they were killed by law enforcement agencies to take revenge from the people of Balochistan for demanding greater autonomy.

On July 11, a prominent Baloch leader and former Nazim (Mayor) of Turbat, Mr. Maula Baksh Dashti was assassinated while he was travelling in the car when two unknown persons riding on a motor bike attacked him with AK47 gun. Just three days after his assassination another prominent Baloch leader and former Senator Habib Jalib of Balochistan National Party was assassinated in the same manner in Quetta, the capital of Balochistan. Then Mr. Habib Jalib was murdered in the early morning he went to the shop of his brother to read the newspapers. After the killings of the Baloch leaders the people of the province started protesting and the law enforcement agencies are dealing with them harshly using of tear gas and baton charges. They have arrested hundreds of protestors. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2691/>

Another lawyer's body found

On June 17th 2010, The Secretary General of Jhalawan Bar Association Munir Ahmed Mirwani was abducted at gun point by Pakistani Intelligence. Mr. Munir Mirwani was having a meal on the road side restaurant in his home town District Khuzdar, Balochistan. The Balochistan High Court Bar Association reported that another lawyer, Mr. Muneer Mirwani was arrested in the presence of another lawyer. In the month of August his bullet riddled body was found from Khuzdar, Balochistan.

A columnist was allegedly killed by Frontier Corp

Various newspapers are reporting the death of Ali Sher who was abducted by the Pakistani security forces when he was visiting one of his relatives Dr. Salim Kurd in Gilani Road Quetta. (read here). As per reports, his body was recovered in Khuzdar some 300km from Quetta this morning 3 days after being abducted from Quetta. Political analysts believe Columnist/Lawyer Ali Sher has been killed due to his political working and writings. Anyone aware of politics in Balochistan can easily conclude the one who opposes the oppressor in any mean result the same fate. Mr. Sher was a regular contributor to Daily Ostoman.

Rasool Bux Mengal, joint secretary of the Baloch National Movement (BNM), was abducted from Uthal in August. His tortured dead body, slashed and covered in cigarette

burns, was found hanging by a tree near Qalandari Hotel Lasbela. The intention was clear: to terrorise and intimidate the Baloch people. Mengal was the second BMN leader murdered this year. In April, the body of Ghulam Mohammad, chair of the Baloch National Movement, was found partly decomposed in a vat of poisonous chemicals.

In October, medical students were beaten up and arrested by Pakistani forces in a raid on the Bolan Medical College. The same month, eleven innocent civilians, including women and children, were killed in the Dera Bugti district by Pakistan army bombardments.

Three bodies of missing person found on Muslim festive day

Bullet-riddled bodies of three missing persons were found in different parts of Balochistan during the three days of Eid-ul-Azha, a Muslim festive for slaughtering the animals. Lala Hameed Baloch, a journalist and president of the Baloch National Movement (BNM), and Samiullah Mengal, a student, and Hamid Ismail Baloch, a Baloch activist, were among those whose bodies were found. This was the Eid gift that was given to the families of the Baloch men who were picked up by unidentified personnel and later killed brutally.

A former Jihadi was killed in mysterious explosion

Mr. Asim Zakir, 24, son of late Mr. Mohammad Zakir Khan, a resident of Sangar Hurnamira village, Rawalakote, Poonch district, Azad Kashmir, was employed in the electricity department in Rawalakote. Before joining the electricity department Asim Zakir was a student at a Muslim Madressa (seminary) in Miranshah, the capital of North Waziristan agency, a federally administered region. The Madressa was run by the Taliban, which was also involved in training the students for Jihad or holy war. When his father died Zakir, being the eldest son, joined the electricity department and took up his father's position in order to support his family. He was abducted by the intelligence officers in a helicopter from out side his office on March March 2010. During his illegal detention he was forced to continue his education in the Madressa and participate in Jihad (holy war) against the forces of evil. Following his release he was continuously receiving threats from the ISI and some Jihadi elements. On September 11, at around 11.15pm when, Asim was traveling, his jeep was involved in an explosion resulting Asim's death. <http://www.ahrchk.net/ua/mainfile.php/2010/3547/>

Killed in police station and body was thrown before people to burn it

On March 18, Dera Ghazi Khan police arrested Hafiz Abdullah on the charges of murder and tortured him to confess. He was killed in police station by gun fire by the deputy superintendent of police (DSP) and station house officer (SHO). Ghulam Rasool,

younger brother of Hafiz Abdullah, told Dawn that he was one of the witnesses to the police brutality, especially of Iqbal Chandia, Deputy Superintendent of Police of Choti Zaireen Police Station in Mutafaqir Chahan village who allegedly shot the victim in his head.

The local SHO also fired several shots in his face before the body was put at the mercy of the mob, he said. The incident came to light when a video footage was shown by private TV channels. <http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/brother-of-lynched-man-relives-horror-400>

The man had shot dead a shop owner, Naseem Abbas, over a petty dispute and surrendered, saying the crime had been committed unintentionally. He said that he saw the DSP shooting his brother, followed by the SHO. Later, the police handed over the body to the mob and two young men tied it with a rope and dragged it with their motorcycles. They took the body to the main market of Choti Zaireen where people threw clothes, bushes and tyres on it and set it on fire in the presence of the DSP and the SHO, he said.

Another man of Dera Ghazi Khan, Simla Khan, alleged that the DSP had killed his 17-year-old son Mohammad Ajmal on March 27, 2008, after declaring that he was a dacoit. A judicial inquiry by the district and sessions judge found that it was a fake encounter. The inquiry report, issued on June 10, 2008, said the DSP and other policemen who took part in the fake encounter were liable to be prosecuted.

Probe in Sialkot killings points finger at Punjab provincial government

As the investigation into the lynching of two brothers in Sialkot, Punjab province, on August 15, 2010, continues, the role of pro-Pakistan Muslim League-Nawaz (PML-N), ruling party of Punjab, police officers is being seen as a major factor that contributed to the incident, informed sources told Daily Times on Friday. <http://www.ndtv.com/article/world/four-taliban-militants-killed-in-us-drone-attack-67405>

Sources in the joint investigation team (JIT) that is probing the incident disclosed that almost every police official involved directly or indirectly in the incident “has no fear of high-ups due to their strong links” with PML-N parliamentarians. Zulfiqar Ahmed Cheema, who was at that time the Gujranwala deputy inspector general (DIG), is the younger brother of Justice (r) Iftikhar Cheema, the current PML-N Member of National assembly (MNA) from the area. Similarly, Sialkot District Police Officer (DPO) Waqar Chohan is the member of an influential family and Station House Officer (SHO) Rana Ilyas has strong ties with the local PML-N leadership.

During a survey of Sialkot city by Daily Times, a number of citizens directly blamed Shahbaz Sharif, chief minister of Punjab, for the incident, saying his policy of permitting extra-judicial killings by police caused the Sialkot incident. The culture of killings: According to locals, the incidents of fake police encounters started appearing in the area during the first tenure (1997 to 1999) of Shahbaz as chief minister, which encouraged the culture of 'vigilante justice'.

On August 15, robbers shot dead Bilal and injured Zeeshan and later easily escaped. The area police got hold of the two brothers who happened to be at the wrong place, at the wrong time.

Relatives of Bilal and the locals, who were already angry at the failure of police to stop such incidents, gathered at the scene and decided to imitate the police style of dealing with such crimes. Eyewitnesses told Daily Times that the mob then snatched the two boys from the police and beat them to death. The locals said police personnel, instead of doing anything to stop the mob, were closely monitoring the situation. "It was the manifestation of the Gujranwala police's doctrine that if you find a criminal, especially a dacoit, don't arrest him alive. Rather, make an example out of him by parading his body on the streets," they said.

2000 people including terrorists were killed in Drone attacks

The United States government, led by the Central Intelligence Agency's Special Activities Division, has made a series of attacks on targets in Khyber Pakhtoon Kah (KPP), the former North West Frontier Province (NWFP), since 2004 using drones (unmanned aerial vehicles). Most of these attacks are on targets in the Federally Administered Tribal Areas along the Afghan border in Northwest Pakistan. These strikes are mostly carried out by unmanned aerial vehicles (UAVs).



Extra Judicial Killings by Drone attacks

These controversial attacks were called a part of the extra judicial killings by the Pakistani people as without any legal process the suspected terrorists are killed. These are also called a direct interference in the country's affairs where there is no respect for local laws. The US and its forces has started drone attacks in 2004 and since then it is continued with continuous many folds increase in every coming years. In year 2010 more than 100 attacks were recorded in which more than 800 people were killed. The total number of people killed in drone attacks since 2004 around 2000 people were killed where as hardly some hundred terrorists were killed. <http://material.ahrchk.net/pakistan/DroneAttacksStatistics.pdf>

The extra judicial killings on the cost of innocent citizens are very high and it could not stop the terrorism inside Pakistan or Afghanistan, not even, the killing of US and NATO forces by the terrorists. On the other hand, the drone attacks give insight to the local law enforcement agencies to kill better through extra judicial way rather than following the process of law.

UN official calls for end to CIA drone strikes in Pakistan. Philip Alston, the UN's special rapporteur on extrajudicial killings, said that the CIA's refusal to disclose its criteria for selecting targets and the precautions it takes to prevent civilian casualties makes it impossible to determine whether some of these attacks constituted war crimes. Alston said the US should end the program, but did not say whether or not he considered the program illegal.¹⁸

Investigative reporter Jane Mayer of *The New Yorker* magazine revealed last week that the number of US drone strikes in Pakistan has risen dramatically under President Obama. During his first nine-and-a-half months in office, Obama authorized at least forty-one CIA missile strikes in Pakistan—a rate of approximately one bombing a week. We speak to one of the most high-profile critics of the US drone program: Philip Alston, the UN special rapporteur on extrajudicial, summary or arbitrary executions. Alston says the US government's use of Predator drones may violate international law.

Target Killings by ruling parties

In the Karachi, capital of Sindh province, every year around 1000 persons, mostly are political activists, are killed in target killings. During 2010, the human rights commission of Pakistan has issued a statement, based on news items, that 1300 persons were killed by target killings, a way of extra judicial killings. The three political parties in the government are said to be involved in killings. The Pakistan Peoples Party (PPP), Mutehda Quomi Movement (MQM) and Awami National Party (ANP) were involved in the target killings.

Violence against Women

The status of women and treatment of religious minorities remains among the greatest human rights issues within Pakistan. These groups lack fundamental rights and the prerogative to exercise those formal rights that have been granted by the state. Women and religious minorities face complex, pervasive forms of discrimination, from social to judicial. For example, a 45-year-old Christian woman, Asia Bibi, asked to fetch water while working in the fields was then told by Muslim women that she should not be

18 <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/02/AR2010060201713.html>

allowed to touch their water bowl. They later accused Bibi of blasphemy, and a lower court sentenced Bibi to death. This case also exposes the biases of the judges of the lower courts against the religious minority groups as the judge never thought to go according to the law but followed the pressures from extremist Muslim community.¹⁹

Overview

The history of the status of women in Pakistan is comprised of a series of contradictions. Legally women have enjoyed suffrage since 1947 and the right to vote in national elections since 1956. From 1956 until 1973, the Constitution held quotas for women's representation in Parliament. The 1973 Constitution stated "there shall be no discrimination on the basis of sex alone."²⁰ In 1979, Pakistan established the Ministry of Women Development (MoWD), elevating it to ministry-level division of government in 1989. In 1988, Pakistan elected the first female Prime Minister of any Muslim country, Benazir Bhutto. Nominally, legislation provides for the protection of women and their rights in the judicial system. On the international level, Pakistan is a member of the UN Human Rights Council and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 1996.²¹ Yet overall strides toward the realization of women's equality have been limited at best.

The formal recognition of rights has not translated to the free exercise of these rights. While politics in Pakistan have at times suggested the presence of a unique consciousness of the salience of gender parity to democracy and development, today women continue to suffer systematic discrimination and escalating gender-driven violence.

Violence against women in Pakistan is very commonly the result of sex-related issues, economic and social discrimination, the absence of laws protecting women, a strong feudal system, religious and cultural taboos, tradition, a homogeneous religious society, a vast gender gap, and a broken policing system, and failures of the judicial system.

Thousands of women report being victims of violence across Pakistan each year:

From January to June of 2010, the Violence against Women Watch Group of the Aurat Foundation reported 4,069 cases of violence against women. Of these, more than a thousand were cases of abduction; 719 women were murdered; 548 women were sexual assaulted or raped by one or more assailants; 285 women committed suicide; 280 women

19 "Pakistan: Outcry over death sentence for 'blasphemy' mother who offered farmhands water," AHRC, 12 November 2010, <http://www.ahrchk.net/pr/mainfile.php/2010mr/800/?print=yes>

20 1973 Constitution of Pakistan Articles 25, 27, 32, 34 and 35.

21 "8. Convention on the Elimination of All Forms of Discrimination against Women," United Nations Treaty Collection, 10 October 2010

were killed in the name of honor; and 246 women were victims of instances of domestic violence.²² Last year, there were 8,548 cases of violence reported nation-wide.²³ All figures were collected from media reports and likely represent only a fraction of cases.

Violence against women is rising in Pakistan, along with attacks on religious minorities: In the first eight months of 2010 in Pakistan, 155,829 crimes “of a heinous nature” were reported as opposed to 124,328 reports over the same period of time in 2009. Within that overall increase, the incidence of rape rose by 10 percent and gang-rape cases increased by 12 percent.²⁴

From August to September 2010, a woman was gang-raped by policemen in a private detention facility: A woman who received a stay order from court in a dispute over ownership of her house was picked up by policemen and their informants and taken to a private detention centre where she was gang raped for more than 50 days. The rape victim’s cases against the accused policemen and their henchmen were withdrawn due to the controversy of the geographical jurisdiction of the police. The medical report of the rape was not issued for more than one month following the medical examination. The victim and her family are in hiding because of continuous police threats to withdraw the case. The deputy inspector generals (DIGs) of the two districts of Karachi metropolitan city refused to entertain the complaints of the victim on the grounds of jurisdiction.²⁵

Lawyers from ruling party in Sindh raped 13-year-old girl to retaliate after a boy from her tribe married a girl from theirs in a love match: Six armed men abducted a 13-year-old girl and gang-raped her, leaving her by the roadside. The Sindh police stopped the investigation into the case because of the assailant’s ties to the ruling party. A doctor also affiliated with the ruling party blocked the completion of the medical report, which confirmed the rape. The journalists reporting on the case were threatened by the provincial ministers to stop reporting on the involvement of the lawyers. In retaliation, the perpetrators of the gang rape filed a case of abduction against the victim’s father. The district executive health officer (DEO-Health) has shown his inability to issue the

22 Press Briefing, “Incidents of Violence against Women in Pakistan Reported during January to June 2010,” Violence against Women Watch Group, 2010.

23 “Statistics of Violence against Women in Pakistan in 2009,” Press Statement, Aurat Foundation, 1 February 2010.

24 Jam Sajjad Hussain, “Gang rape cases increase by 12pc in first 8 months,” *The Nation*, 21 September 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Regional/Lahore/21-Sep-2010/Gang-rape-cases-increase-by-12pc-in-first-8-months>.

25 “Pakistan: A woman was gang raped and kept for 50 days in a private detention center of police,” AHRC, 10 November 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3595/>.

provisional medical report, which was already prepared by the government hospital.²⁶

Multiple cases of young Christian girls kidnapped, raped, and murdered: Last year, 13-year-old Kiran Nayyaz was raped and impregnated, and 12-year-old Lubna Masih was kidnapped, raped, and murdered in an Islamic cemetery by a group of five Muslim men in Rawalpindi.²⁷

Women from religious minorities are most common and vulnerable targets of violence: Women from religious minorities are the most frequent victims of violence, particularly sexual violence. Members of religious minorities are regularly assaulted, tortured or murdered and their property and place of worship are ransacked and desecrated. The blasphemy laws understand blasphemy only as an offence against Islam and are used by a criminal nexus between the police, the administration and religious fundamentalists to intimidate Christians, Ahmadis and all religious minorities in Pakistan. Women are disproportionately affected. It is becoming common in rural areas for Muslim fundamentalists to abduct, force into marriage, and forcibly convert women to Islam. Abductions made up nearly 30 percent of all crimes against women in the first half of 2010.²⁸

Ratification of International Covenant on Political and Civil Rights (ICCPR) and UN Convention Against Torture (CAT) double-edged: The June ratification of the ICCPR and CAT suggested progress in Pakistan on human rights issues, however, The government has expressed reservations regarding the convention. Pakistan's government will not criminalize torture (although it is already banned in the Constitution) and specifies reservations regarding those elements of human rights treaties that potentially come into conflict with Sharia law.²⁹

Recent legislation opens window for prosecution of perpetrators of violence against women: Formally, Pakistan's judicial system has protections in place that would allow for the investigation and prosecution of violence against women:

The civil, criminal, and family court systems provide for public trial, presumption

26 "Pakistan: Lawyers from ruling party and their henchmen gang raped a girl to revenge a love marriage," AHRC, 7 November 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3593/>.

27 Jibrán Khan, "Pakistan: Violence against women & attacks against religious minorities are on the rise," Asia News, 13 October 2010, <http://www.asianews.it/news-en/Violence-against-women-and-attacks-on-religious-minorities-on-the-rise-in-Pakistan-19725.html>.

28 Press Briefing, "Incidents of Violence against Women in Pakistan Reported during January to June 2010," Violence against Women Watch Group, 2010.

29 "Pakistan: The government wants impunity on its track record of gross violations of human rights," AHRC, 15 October 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2882/>.

of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Defendants have the right to be present and to consult with an attorney. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in session and appellate courts. Defendants can confront or question witnesses against them and present witnesses/evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. A case starts over when an attorney changes.³⁰

In 2006, the Women's Protection Act (WPA) made rape a matter for criminal rather than Islamic courts, removing the requirement that a woman provide four male witnesses to corroborate any claim of rape. The WPA addresses social coercion and statutory rape as well as specifically raising the penalties for gang rape: "When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life." The WPA also requires that all rape cases come before a sessions judge, a district-level judge and makes it more difficult to lodge false allegations.³¹ Further, the WPA bans prostitution as well as kidnapping and abduction with the intent of forced marriage or sex trafficking. The WPA also prohibits police from "arrest[ing] or hold[ing] a woman overnight at a police station without a civil court judge's consent."³² Yet both implicitly and explicitly discriminatory legislation remains in place.³³

Domestic political developments indicate a prime landscape for activism and advocacy: The Ministry of Women's Development, Social Welfare, and Special Education handles rape and sexual assault issues with assistance from non-governmental organizations. Recent changes in law have created a foundation and revealed momentum for progress against domestic violence in Pakistan. The WPA brought rape under the authority of criminal courts and removed barriers to registering charges as well as attempting to put protections for women against police in place.³⁴ It may be possible to assist in the implementation of these measures and to build on them for future gains for women.

30 2009 Human Rights Report Pakistan, State Department, 11 March 2010.

31 2009 Human Rights Report Pakistan, State Department, 11 March 2010; "Protection of Women (Criminal Laws Amendment)," Constitution of Pakistan, 1 December 2006.

32 2009 Human Rights Report Pakistan, State Department, 11 March 2010; "Protection of Women (Criminal Laws Amendment)," Constitution of Pakistan, 1 December 2006

33 2009 Human Rights Report Pakistan, State Department, 11 March 2010

34 2009 Human Rights Report Pakistan, State Department, 11 March 2010

New criminal law legislation broadens definitions of sexual harassment: Last year's Criminal Law (Amendment) Bill³⁵ broadened definitions of sexual harassment and increased penalties for violators.

Legislature has placed Acid Control and Burn Crime Prevention Bill under consideration: The Acid Control and Burn Crime Prevention Bill 2010 would create a National Acid Control Council and “comprehensively defin[e] hurt and disfigurement” as well as categorizing acids as dangerous substances, restricting their sale, more heavily penalizing “unlawful sales,” and increasing the maximum sentence for disfigurement significantly — in addition to setting a minimum sentence of seven years. Medical professionals would be required to report acid-related injuries to police. Further, the bill would define the victims of acid attacks as disabled, entitling them to government benefits, and provide for treatment, rehabilitation, and legal aid. Despite its flaws and the uncertainties and obstacles that lie ahead, the Acid Control and Burn Crime Prevention Bill represents a major step in combating acid terrorism in Pakistan. Its successful passage may also signal increased receptivity to the involvement of civil society and international organizations in policy reform.³⁶

National Assembly poised to pass Domestic Violence (Prevention and Protection) Bill: The bill has languished in legislative limbo since the National Assembly passed the bill on August 4, 2009, but the Senate did not vote within the Constitutionally mandated three months and let the bill lapse. The bill would establish protection committees to supervise the provision of legal protections and guarantee medical care for victims of domestic violence. Further, it would increase the consequences for perpetrators by making the accused liable for the financial losses and damages inflicted on victims and their dependents as well as imposing harsher sentences on convicted offenders — with special sentencing guidelines regarding imprisonment and fines for repeat offenders. The bill also requires regular review of domestic violence legislation by the National Commission on the Status of Women.

Some of the same hurdles that led to the bill's lapse in the Senate remain. While some cite the opposition of the Council of Islamic Ideology (CII) to the original bill as a causal factor in its lapse, others accuse critics of playing politics with religion by overstating religious opposition. The CII did classify the bill as “discriminatory,” pointing to the potential for its use by police as a justification for violating the “sanctity of the home,”

35 <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/14-sexual-harassment-law-zj-02>

36 Asma Ghani, “Govt to introduce Acid Control and Burn Crime Prevention Bill 2010,” *The Nation*, 11 September 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Islamabad/11-Sep-2010/Govt-to-introduce-Acid-Control-and-Burn-Crime-Prevention-Bill-2010>

and further objected that the bill would increase divorce rates. Yet the passage of the bill in the National Assembly and support from within Islamist political parties suggest that the obstacles to its passage in the Senate cannot be ascribed to religious opposition solely. Attempts at implementation will have to address several potential flaws of the legislation as well as contending with cultural resistance, the social legacies of a broken justice system, and warped legal tradition. In particular, the protection committees created by the bill may be inadequate, as the members of the police force who comprise them may be among those contributing to the prevalence of gender-based violence and ensuring impunity for offenders.

Further, there is space for external actors and international organizations such as AHRC and ALRC to contribute to the efforts of supporters of domestic violence legislation in Pakistan. These actors may draw attention to the increase in gender-based violence and escalating severity of crimes as well as explicitly raising the profile of the legislation, which has largely disappeared from the radar of international media.

Sexual Violence

Thousands of women subjected to sexual assault by one or more assailants yearly in Pakistan. Every year more than 3,000 women are subjected to rape or gang rape, and the number of instances of rape, domestic torture, and acid attacks is rising.³⁷ The Pakistan Human Rights Commission estimates that every two hours a woman is raped—and that every eight hours a woman is gang-raped.³⁸

Legal definition of rape continues to deny protection to married and betrothed women: Although rape is a criminal offence, the definition of rape does not include marital rape or rape committed following the creation of a marriage contract. Under current law, the penalty for rape can be anything from a fine to the death penalty; those convicted of gang rape ostensibly face life imprisonment or death.³⁹ The sentences imposed on offenders are often significantly lighter than law allows or even dictates.

Police discouraged and humiliated rape victims, demonstrating strong gender bias and willful negligence: This year, AHRC discovered that police actively blocked and discriminated against two sisters after they were attacked and sexually assaulted and defamed the victims in their police report. The victims attempted to lodge an FIR several times, but that each time they were blocked by Station Head Officer (SHO) Hassan Ali Abdi, a former MQM member and apparent associate of the perpetrator. A legitimate

37 "Annual Report 2009," Human Rights Commission of Pakistan (HRCP), [DATE], p. 2.

38 "Pakistan Votes to Amend Rape Laws," BBC, 15 November 2006.

39 2009 Human Rights Report Pakistan, State Department, 11 March 2010

investigation being carried out by Inspector Nasir Nawab was reportedly interrupted; he was suspended and his investigation stopped. The police report produced is biased and defamatory and alludes to the private and personal life of the rape victim and her sister. The judgments given in the case were unprofessional and unfounded. In his dismissal of the likelihood of rape he reasons that: "It also seems hard to explain that after such heinous/ serious allegations involving the rape of her daughter, the mother can still maintain cordial relations with her son-in-law." He took none of the social, cultural or economic pressures of the situation into account.⁴⁰

Police discouraged family from attempting to prosecute gang-rape of 14-year-old girl, protected assailants: In May of this year, a group of men gang-raped a 14-year-old girl to punish her father for filing charges against them robbery. The police warned the victim's father against pursuing a case against the perpetrators multiple times because of their relationship to a tribal chief and federal government officials, then refused to issue a letter requiring the local hospital to examine her for sexual assault.⁴¹

Last year, as reported by the Human Rights Commission of Pakistan, a 13-year-old girl was kidnapped and gang-raped by three men, then poisoned at the hospital where she was recovering.⁴²

Prominent cases expose participation of state actors in acts of sexual violence against women and children: In most cases, the perpetrators are state agents and powerful persons.⁴³ In September, two policemen were sentenced to death for kidnapping, raping, and murdering a three-year-old girl.⁴⁴ In 2006, notably, three land-owning men with connections to the police raped the 19-year-old daughter of a blind beggar daily for months, impregnating her. After she filed a rape charge, the men attempted to poison her—along with assailants identifying themselves as police officers—and caused her to miscarry at three months. Only after journalists publicized the case did the Ghotki police make any arrests. Police simultaneously pursued charges filed by her rapists against the victim's family members to pressure them to drop charges.⁴⁵

40 "Update (Pakistan): A report from the Hyderabad police reveals strong negligence and prejudice in the investigation of a rape case," AHRC, 9 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3419/>.

41 "PAKISTAN: A girl of 14 year was gang raped to take revenge from her father for nominating accused persons in a theft case," Urgent Appeals, Asian Human Rights Commission, 14 May 2010.

42 "Annual Report 2009," Human Rights Commission of Pakistan (HRCP), [DATE], p. 196.

43 "Annual Report 2009," Human Rights Commission of Pakistan (HRCP), [DATE], p. 196.

44 "Annual Report 2009," Human Rights Commission of Pakistan (HRCP), [DATE], p. 196.

45 "PAKISTAN: The Ghotki police fail to act on the gang rape of a 19 year-old girl," Urgent Appeals, Asian Human Rights Commission, 12 July 2006.

Attacks to disfigure and harm women who refuse sexual relationships or marriage continue unabated: In 2009, a new trend in violence against women appeared in many rural areas: men attempting to force girls and women into sexual relationships either shaved their victims' heads or threw acid on their bodies after removing their clothing if they refused. Men now routinely attempt to disfigure or kill women who refuse to be forced into a sexual relationship or marriage. In 2008, five women⁴⁶ who refused forced marriages were shot, then buried alive in Baluchistan—and the province's representative defended the perpetrators' "right" to do so. There has been an increase in abduction, forced marriage, and forcible conversion by extremists in rural areas.

In Dadu, police fail to arrest rapists whose identities are widely known: A related aspect of this increase in violence against women was that police and local administration of state failed to protect the victims. In many cases, police were seen siding with perpetrators instead of arresting them. In one case from Dadu of Sindh province, a father and son who raped a widow were never arrested.

Police participate in punishing love marriage with rape and beatings: One woman, Shahnaz Akhtar, who married by choice instead of marrying the family-appointed suitor, a cousin, was publicly raped by her cousin and held in chains at his house indefinitely following her family's discovery of her marriage. Her family was able to use wealth to enlist the help of police officials, who pursued Akhtar, raided her husband's house in search of her, arrested her husband's relatives, and eventually beat her. She miscarried as a result of their abuses.⁴⁷

Domestic Violence

Domestic violence is endemic and increasing in Pakistan. Approximately 80 percent⁴⁸ of married women in rural areas fear domestic abuse while 50 percent of women in urban areas report having been subjected to spousal abuse. The Aurat Foundation⁴⁹ reports that gender-based violence increased by 13 percent from 2008 to 2009.

Current law defines abuse narrowly and makes it difficult for victims of domestic violence and assault to prove a case against abusers and stops well short of providing legal guidelines and institutional resources to ensure investigation, prosecution, conviction, and punishment of offenders.

46 <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/2660881/Pakistani-women-buried-alive-for-choosing-husbands.html>.

47 "PAKISTAN: Rape victim held against her will for months must be freed," Urgent Appeals, Asian Human Rights Commission, 23 January 2008.

48 <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136092.htm>

49 <http://www.af.org.pk/mainpage.htm>.

As with sexual assault, the refusal to report domestic violence⁵⁰ is the most basic hurdle: women often do not report domestic violence because of strong social norms and fear of reprisal. Traditionally, there have been few protections for victims. Filing a report and pressing charges against a male family member in particular can expose victims to abuse, mistreatment, and deprivation of dignity at the hands of police and within the justice system.

Under-reporting and system-wide discrimination stymie efforts to analyze and stop gender-based violence and sexual assault: Discrete elements of the challenge facing Pakistan with regard to preventing and punishing both sexual assault and domestic abuse include endemic under-reporting; discrimination on the basis of gender, class, and religion; police corruption and abuses; legal obstacles; and court corruption. No national statistic on rape incidence exists because of under-reporting, while statistics on domestic abuse are likely significantly lower than true incidence rates.

Discrimination by and within the policing system and courts operates along dimensions of gender, class, and religion. Especially in relation to gender-based crimes, problems within the policing system may extend from refusing to record rape charges and demanding bribes to threatening, abusing, and raping the victims of sexual assault who attempt to register and press charges.⁵¹

Class and socio-economic resources may also be heavily influential in determining whether a crime is registered, investigated, and prosecuted. While the WPA introduced progressive changes into Pakistani law, the requirement that rape cases be heard at the district level may create barriers for women without resources or access to the judicial system.⁵² Discrimination based on caste or land-ownership may affect police and justice system treatment of both victims and perpetrators. Resource limitations hinder police from genuine attempts to investigate. Those police who would investigate also face resource limitations, particularly with regard to forensics.⁵³

Abduction, Forced Marriage, and Religious Conversion

The abduction of children and women is not condoned by Pakistani law regardless of religion, nor is the obstruction of the complaint-filing process by police. Under the Pakistan Muslim Family Law Ordinance 1962 a girl must be at least 16 and a boy at least 18 before they marry, and both must consent. The Contract Act of 1872 invalidates

50 <http://abcnews.go.com/International/wireStory?id=10317283>.

51 <http://abcnews.go.com/International/wireStory?id=10317283>.

52 <http://abcnews.go.com/International/wireStory?id=10317283>.

53 <http://abcnews.go.com/International/wireStory?id=10317283>.

a contract if any of the parties are younger than 18. This has been used in High Court arguments against the forced conversion of minors. Further, Pakistan is a state party to the UN Convention on the Rights of the Child and has adjusted its legal framework accordingly. However such violations continue.

As many as 20 to 25 girls from the Hindu community are abducted every month and converted forcibly, according to Amarnath Motumal, an advocate and council member of the Human Rights Commission of Pakistan. Many abducted girls are raped, others are never heard from again by their families; all cases involved a struggle to access their right to redress. The AHRC has documented numerous cases in which police have ignored or excused themselves from investigating crimes that involve a Madrassa or Muslim cleric. The protection of the national religion does not involve the promotion of its figureheads above the law; this tendency has simply allowed Islam to become a shield behind which human rights violations can take place.

Although Pakistan has few legal protections for religious minorities, the country is bound to a variety of international conventions that bind it to a standard of protection: Pakistan is a state party to the International Covenant on Civil and Political Rights (ICCPR) which claims (in Article 18.1) that: *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice. Article 18. 2 of the ICCPR states that: no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.* These are both echoed in the Declaration of the General Assembly.

The Convention on the Rights of the Child covers the protection of children of religion minorities: Article. 30 states that children: *shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.*⁵⁴

Police continue to refuse to investigate disappearance of young, deaf domestic helper: A young deaf girl has been missing since June 2006 and that police have refused to investigate the case; instead they have acted as brokers for the suspected perpetrators. The 17-year-old was hired by a well known politico-religious family in Punjab to assist during a marriage ceremony and has not been seen or heard from since. Her family was told that she had been sent to the house of a relative of the employer – a military officer; all further attempts to find her have been thwarted by the former employers and local police. The mother and her three daughters have moved to sheltered accommodation due to continuous threats, and report being warned against filing a legal case. Although the

54 “Pakistan: A young Hindu girl is detained and forcibly converted by a Madrassa; police refuse to act,” AHRC, 23 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3431/>.

case was recently filed at the request of the Chief Minister, it was quickly closed by police officers. The girl remains missing.⁵⁵

Muslim extremists increasingly forcing marriage and religious conversion on women of religious minorities: Religion can also function both as a primary motivation and as a determinant of criminal complaint outcomes. The increase in forced marriage and forcible conversion by Muslim extremists may owe in part to the aversion of the state to protecting the rights of religious minorities. The U.S. State Department 2009 Human Rights Report for Pakistan concludes that both organic reluctance and outside pressure contribute to the courts' religious bias:

Courts routinely failed to protect the rights of religious minorities. Judges were pressured to take strong action against any perceived offense to Sunni orthodoxy. The judiciary rarely heard discrimination cases dealing with religious minorities.⁵⁶

Other manifestations of religious bias include socially condoned instances of harassment at work.

Women and men choosing love marriages are persecuted with police collusion: Ms. Gohar Taj was severely beaten by her brothers and taken to a remote part of the province in 2006 when she told her family that she wished to marry Fazal Subhan. Even so, the two went ahead with a court marriage on 13 December 2006 and had a child. Since then a member of Fazal's family has been murdered every year, coinciding with the annual return of Gohar's younger brother Israel, who works in Dubai. The murders were preceded with threats from him and his elder brother Ismail. The AHRC has been informed that the bride herself, who has a young son, has escaped kidnap attempts by the brothers, who have told her of their intention to kill her; however complaints to the local police were not taken up to any degree. We have learned that Israel is now in Pakistan again and has already sent a message to the groom's family demanding that they hand over Ms. Gohar or their last surviving son, Abdul Haleem Khan, will also be killed. The authorities continue in 2010 to neglect and deny protection to the family.⁵⁷

A Christian teacher in Lahore was harassed and assaulted by Muslim colleagues, then dismissed without notice: This year, Julia Austin suffered from harassment and physical assault instigated by a Muslim colleague before she was dismissed without notice or

55 "Pakistan: A young deaf domestic helper disappears from the home of an army official; police refuse to investigate," AHRC, 15 January 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3350/>.

56 2009 Human Rights Report Pakistan, State Department, 11 March 2010.

57 "Pakistan: Urgent protection needed for the survivors of love marriage-related murders; police refuse to investigate," AHRC, 5 March 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3388/>.

severance on false ground in clear violation of her rights as an employee. Already having difficulty finding a new job, Ms. Austin was unwilling to file an official complaint for fear of repercussions.⁵⁸

A fifteen-year-old girl was forced to convert to Islam and marry, kept captive at Madrassa: Gajri, 15, disappeared from the home of her Hindu parents in Katchi Mandi, Liaquatpur, in Punjab's Rahim Yar Khan district. They were told that she had been abducted by a neighbor, who after going missing for several days, returned home alone. Soon after her disappearance the station head officer (SHO) of the local police station, Saddar Circle Police Station, Liaquatpur sub-district received a letter and an affidavit from a Madrassa that said that Gajri had embraced Islam and had married the neighbour, a Mr. Mohammad Salim. In January the parents tried to file a case of abduction against their neighbor and the Madrassa but report being refused help by District Police Officer (DPO) Mr. Imtiaz Gul. He allegedly told them that he had no power to intervene in matters of religion conversion, and that their daughter was now the property of the Madrassa. He noted that Islam was a religion that could be entered, but not exited.⁵⁹

Acid-Throwing

Acid-related crimes are increasing. Last year, the Acid Survivors Foundation (ASF) reported 48 acid attacks, as compared with just 30 such incidents in 2007. ASF figures suggest family members perpetrate nearly half of acid attacks (48 percent), rejected suitors are responsible for a quarter (25 percent), and "collateral damage" accounts for 12 percent.⁶⁰ Yet Pakistan does not regulate the sale of acid adequately, albeit in part because it is a common household good.

Existing legislation does not address acid-related crime specifically, allowing perpetrators to escape with light sentences – or evade punishment altogether. Enforcement varies by region, the need for federal legislation setting minimum sentences and oversight of local implementation.

The breakdowns that reduce the likelihood of an assailant being brought to justice begin at the local level. Many assaults go unreported because of fear or lack of faith in law enforcement and the judicial system. When victims do report acid attacks, police may demand a bribe to investigate, refuse to investigate, or accept a bribe to drop the case.

58 "PAKISTAN: A Christian teacher faces systematic discrimination at work and is dismissed without valid ground or lawful compensation," Urgent Appeals, Asian Human Rights Commission, 30 July 2010.

59 "Pakistan: A young Hindu girl is detained and forcibly converted by a Madrassa; police refuse to act," AHRC, 23 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3431/>.

60 Official Web Site of Acid Survivors Foundation, Accessed 17 November 2010, <http://acidsurvivorspakistan.org/>

Prosecutors and courts are susceptible to the same extralegal influences. Illegal out-of-court settlements routinely deprive victims of formal justice and keep acid attacks out of the judicial system entirely.

A 22-year-old woman was doused with acid by family members over household chores: After Manzoor, 22, told her mother-in-law that she would do the dishes later so she could attend to her crying daughter, her in-laws beat her unconscious and poured acid onto her body, fusing her chin to her chest and destroying her lower lip, neck, and chest.⁶¹

Man throws acid on family members after dispute: In May, a man in Saahowali-Sialkot village threw acid on his wife, mother-in-law, and two brothers-in-law following a marital disagreement. His wife and mother were left in critical condition while the perpetrator escaped.⁶²

Two young girls survived random acid attack: This April, unknown assailants threw acid on 13-year-old Gul Babo and 12-year-old Durjamal in Dalbandin of district Chaghi, requiring emergency treatment and later referral to Quetta for specialized medical care. The motive was unknown.⁶³

Acid attack disfigures three sisters in Kalat: Also this April, assailants threw acid on three sisters, probably as punishment for walking to meet family without a male relative to escort them. The girls had to be rushed to the hospital for emergency treatment, and one of the three was left in critical condition and referred to Quetta for further care.⁶⁴

Honour Killings and Jirgas

Honour killings continue unabated in Pakistan, some sanctioned or even mandated by jirga. The United Nations Population Fund estimates that 5,000 women die each year in honour killings.⁶⁵ A special case within forms of assault and gender-based crimes,

61 Orla Guerin, "Pakistan acid victims rebuild ruined lives," BBC, 13 April 2010, <http://news.bbc.co.uk/2/hi/8609512.stm>.

62 "Man throws acid on wife, in-laws," *The Nation*, 23 May 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/International/23-May-2010/Man-throws-acid-on-wife-inlaws>.

63 "Acid thrown at two girls in Dalbandin," *The Nation*, 14 April 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/International/14-Apr-2010/Acid-thrown-at-two-girls-in-Dalbandin>.

64 "Acid attack defaces three sisters in Kalat," *The Nation*, 30 April 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/30-Apr-2010/Acid-attack-defaces-3-sisters-in-Kalat>.

65 UNIFEM Facts & Figures on Harmful Traditional Practices. 2007. (UNIFEM drew this figure from pg. 39 of the following report: General Assembly. In-Depth Study on All Forms of Violence against Women: Report of the Secretary-General, 2006. A/61/122/Add.1. July 6, 2006.)

honour crimes are generally assaults motivated by the intent to punish the victim, typically a family member, usually female. Punishment may take the form of deliberate disfigurement and mutilation, sexual assault, beating, or murder. Often the forms of murder are particularly horrific, intended as a graphic example and deterrent. Prominent examples of honour killings include burying victims alive and stoning them to death.

More than 600 women die each year in honour killings, and their perpetrators enjoy impunity: In Pakistan alone, 1,401 women were murdered in 2009, of whom 647 were the victims of honour killings, including karo-kari. In February, a man shot and murdered his married niece because he merely “suspected’ her of loose morals.” Meanwhile, the same month, a man murdered his 17-year-old sister, Marvi, also in the name of honor, and although her body was taken to the local hospital, authorities failed to so much as register a case. Similarly, a father, Haji Muhammad Sadiq, killed his daughter by burning her with kerosene for marrying without consent.⁶⁶ A couple who married without consent were declared karo-kari for doing so and have been pursued for more than four years by persons from their tribe seeking to kill them.⁶⁷ Evidence is not required; suspicion of immoral behavior is sufficient to justify an honour killing, as in the case of Ms. Sabhai, killed by her brother at a bus stop in front of her adult son, over his protests, because he suspected her of illicit sexual relations with a distant relative.⁶⁸

State actors participate or grant impunity to perpetrators of honour killings: Legal and social complicity results in near impunity for those who continue to abide by jirga rather than law and who perpetrate honour killings. This May, a young couple was marked for death by a jirga that included police officers because the woman had denied a suitor selected by her family in favor of her husband, who came from outside of the tribe. Despite an eventual Sindh High Court ruling in favor of the couple, community members and police continued to persecute the couple and the groom’s family.⁶⁹ The government refused to offer an assurance of protection to another couple forced into hiding after being declared Karo-Kari for an inter-tribal marriage, with the result that they and their infant remain in hiding without income or resources.⁷⁰ In September, a man murdered his sister in the judicial complex.⁷¹ Many accounts of honour killings do

66 “Annual Report 2009,” Human Rights Commission of Pakistan (HRCP), [DATE], p. 197.

67 “PAKISTAN: Threat of death of a young couple under the name of honour killing,” Urgent Appeals, Asian Human Rights Commission, 30 June 2008.

68 “PAKISTAN: A brother killed his sister on the pretext of honour killing,” Urgent Appeals, Asian Human Rights Commission, 5 August 2004.

69 “PAKISTAN: A couple is death marked by a jirga court chaired by a policeman,” Urgent Appeals, Asian Human Rights Commission, 25 May 2010.

70 “PAKISTAN: A young couple is in hiding after a tribal court sentenced them to death for their inter-tribal marriage,” Urgent Appeals, Asian Human Rights Commission, 25 February 2009.

71 “Annual Report 2009,” Human Rights Commission of Pakistan (HRCP), [DATE], p. 203.

not even specify the ostensible transgression the victims are accused of committing, much less offering evidence of guilt or justification.

Jirga headed by policemen declared a love-marriage couple ‘Karo-Kari’ and sentenced them to death: A couple have been declared ‘Karo-Kari’ and sentenced to death by an illegal tribal court, but cannot get protection or redress from the Pakistan authorities. The tribal court was allegedly chaired by the bride’s uncle, a policeman, and includes her father, who is also an officer. Two attempts have already been made to abduct the couple, and the groom’s home has been violently attacked and burned, with his young brother and sister both injured. Three of his family members were illegally detained and tortured by local police for more than two weeks. Despite this, all efforts to register complaints with the local police stations have reportedly been blocked, except for the complaint by the bride’s father against her new husband. No criminal investigation has been launched in the case and all routes taken by the victims to bypass the police via the Sindh High Court have proven futile. No perpetrators have been arrested and the couple remains in hiding. The relatives of the groom are also still in danger in their village, where they are being widely subjected to a social and economic boycott.

“Pakistan: A couple is death marked by a jirga court chaired by a policeman,” AHRC, 25 May 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3459/>

Jirga members pressure Hindu teenager raped by Muslim man to marry rapist and convert to Islam—with police complicity: Four men abducted Ms. Kastoori on January 24,, the eldest of whom then raped her. She was recovered the next day from the mens’ residence, where she was tied up, by a group from her community. On 26 January Kastoori’s parents tried to register a First Information Report at Nagar Parker police station but were turned away. Because of this they could not obtain an official medical checkup for her at the civil hospital or the Nagar Parker hospital, which they attempted to arrange on 27 January. The family rejected an out of court sum offered to them by the father of the three perpetrators, Muhammad Bachaal Khoso, who is an office bearer for the local ruling political party and reportedly wields political influence. He arranged a jirga – an illegal tribal court – on 9 February, allegedly within the knowledge of Nagar Parker police officers. The jirga members allegedly pressured the victim’s family to accept the marriage of the victim to her rapist and her conversion Islam. The family rejected this proposal and continued to try to use legal channels.⁷²

Murders claimed to be “honour killings” post facto: The use of “honour” as a pretext for murder or a post facto rationalization is widespread and makes investigation of these

72 “Pakistan: A Hindu teenager is told to marry her alleged rapist by jirga members; police and courts fail to act,” AHRC, 19 March 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3395/> .

murders even less likely. In September 2004, a man shot his wife after she angered him by not serving dinner quickly enough, then claimed that it was an honour killing because of her “loose moral character.” Police did not capture the murderer.⁷³ In the same month, the AHRC documented the case of a woman shot and killed by her nephew in front of family members. The two were embroiled in a disagreement that the nephew refused to explain as they argued, instead shooting her then claiming that she was guilty of adultery—then fleeing the village.⁷⁴

A complex related issue with regard to the status of women in Pakistan is the phenomenon of so-called “honour suicides,” in which a woman is pressured to kill herself—or her death is presented as a suicide to escape punishment. Last year, 563 women committed suicide while 253 attempted suicide.⁷⁵

State fails to act on 2004 ruling of Sindh High Court declaring jirgas illegal: Pakistan’s jirga system continues to lead the country in feudal practices that are contrary to legal and human rights principles. The state has refused to implement the 2004 ruling of Sindh High Court declaring jirgas illegal because opposing jirgas would come at the cost of political support. The Supreme Court of Pakistan, the independent judiciary, has not implemented up until now this verdict of the Sindh High Court.

Much of the violence committed against women and children emanates from this jirga system. The practice of honour killing is an atrocious form of violence against women that is committed almost daily within the country. While the jirgas allow and support this practice, it has been almost impossible to take effective legal action against the perpetrators.

Until the Government of Pakistan takes strong steps to implement the April 2004 decision of the Sindh High Court, which ruled jirgas illegal and dictated that law enforcement take action against jirgas, progress cannot be made in improving Pakistan’s justice mechanisms and human rights situation. Jirgas also perpetuate crimes against women by promoting the idea that they can be excused and erased by compensation or extrajudicial tribunals.

In some cases, resistance to jirga rulings and extrajudicial settlements punished by death: This June, a young man who supported his 13-year-old sister after she was gang-

73 “PAKISTAN: A young woman killed by her husband with false allegation,” Urgent Appeals, Asian Human Rights Commission, 24 September 2004.

74 “PAKISTAN: A woman killed by her nephew on the pretext of honour killing,” Urgent Appeals, Asian Human Rights Commission, 9 September 2004.

75 Annual Report 2009, Human Rights Commission of Pakistan, February 2010.

raped and refused settlements was found dead, likely as a result of his resistance to this extrajudicial feudal system.⁷⁶

Human Trafficking Takes Steep Toll on Women and Children

Women and children are especially vulnerable to the terrible effects of human trafficking in Pakistan, which remains one of the primary destination countries for human trafficking in South Asia as well as a source and transit country. As the U.S. State Department Human Rights Report on Pakistan stated, “Widespread trafficking in persons, child labor, and exploitation of indentured and bonded children were ongoing problems.”⁷⁷ Victims of human trafficking may be forced into not only labor but also begging, sex work, drug smuggling, and organ donation.⁷⁸

The victims of human trafficking are forced primarily into bonded labor, but women are also sold into domestic servitude, prostitution, and forced marriage. Those who purchase women include rich visitors, wealthy Pakistanis, and rural farmers.⁷⁹ Other women are given or traded to meet debts or settle disputes among individuals and communities. Children trafficked from Pakistan go to countries such as the United Arab Emirates, where more than 19,000 Pakistani children have been sold into labor or sex work.⁸⁰ Meanwhile, to date, more than a million women from Bangladesh and 200,000 from Burma have been trafficked into Pakistan.⁸¹

Victims of human trafficking are especially vulnerable to failings of the rule of law: Those women and girls from within Pakistan sold into labor and those who have been trafficked into the country are especially vulnerable to victimization by the police and legal system because of their compromised legal status. Further, authorities do not consistently screen those arrested for prostitution to determine if they have been victims of trafficking.⁸² In particular, girls and women illegally trafficked into Pakistan may find their situations compounded by illegal immigration charges and imprisonment; those forced into sex work may be charged with adultery or other sex-related legal violations.

76 “PAKISTAN: The brother of a rape victim has been found murdered three months after his arrest,” Urgent Appeals, Asian Human Rights Commission, 29 June 2010.

77 2009 Human Rights Report Pakistan, State Department, 11 March 2010.

78 Amir Murtaza, “Pakistan: Super floods make children and women vulnerable to trafficking,” AHRC, 20 September 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2841/>.

79 “Trafficking in Women and Prostitution in the Asia Pacific,” Asia Pacific, CATW.

80 LHRLA, Indrani Sinha, SANLAAP India, “Paper on Globalization & Human Rights”.

81 Indrani Sinha, SANLAAP India, “Paper on Globalization & Human Rights”.

82 “Pakistan,” Trafficking in Persons Report 2009, U.S. Department of State, June 2009.

A British woman has been slaughtered in public in a family dispute

Pakistani Women Human Rights Organization condemns, Britain, reports that Tania Yousaf, 22, of Nelson Lancashire, was killed on 20 May along with her parents, Mohammed and Pervez Yousaf, at a graveyard near Gujrat. Andrew Stephenson, Member of Parliament in the UK, who has taken up the case, has revealed that Qamar Abbas and Sheraz and Naveed Arif, who were related to the Yousaf family, and arrested for the murders, had “unbelievably” been granted bail. During the brutal attack, which took place during a family visit to Pakistan for a wedding, after dragging Tania from the car, the attackers made her call her husband for help on her mobile phone and killed her with him listening on the line. The sheer brutality of the murders has been revealed at Tania’s postmortem, when scores of bullets were recovered from her body. Sheraz and Naveed Arif are the brothers of a woman, who had been married to the eldest brother of Tania, and their marital difficulties are thought to have led to the murder.

Since October 2009, ten British citizens and two other European citizens were murdered in Pakistan.

A 13 year old girl was raped for 21 days by policemen; the ineptness of the courts provide protection to perpetrators

Natasha, 13 year-old girl, was continuously gang-raped, mentally, and physically tortured by police officials during 21 days of illegal detention. After finding that she was pregnant, the policemen produced her before a Session court under false charges. The girl was sent to jail where she was finally released on bail. The judge who heard her case was unable to investigate the perpetrators, as they obtained a “stay order” from the Lahore High Court, which prevents any police action against them. Their barbarian crimes thus remain unpunished.

The News International reported that 13 year old school girl of class-VII student Natasha, daughter of a stone crusher Muhammad Aslam, approached the Additional Sessions Judge (ASJ) of Taxila, Punjab province, Mr. Rao Abdul Jabbar Khan and narrated to him her mental and physical torture in detention. She also told him that she was raped for 21 days by the policemen during her detention and she was pregnant.

After recording her statement, the judge ordered Natasha’s medical examination and directed the chief police officer (CPO) Rawalpindi district, Punjab, to register a case against the accused policemen, and complete investigation within 14 days. Police authorities have failed to act against the accused policemen despite the passage of one month. The RPO says the accused obtained a “stay order” from the high court to preempt police action, so he is waiting for the day when the court vacates that order. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2550/>

The brother of a rape victim has been found murdered three months after his arrest

A young man has been found three months after his arrest in the midst of a campaign for legal redress for his sister, Kainat Soomro, who was gang raped in 2007. Sabir Soomro supported his teenage sister throughout a badly and unprofessionally tried rape case, resisting a number of settlement offers from the suspects before they were acquitted in May. He faced harassment and false murder charges – being remanded for nine months for the murder of his wife, who is alive – before being rearrested in March. His body was found on 26 June, the UN international day against torture. His sister and parents took the corpse to the house of the provincial governor but have been stopped from demonstrating by police. No inquiry has yet been announced.

The case of Kainat Soomro led to public outrage after the 13-year-old gang rape victim was cross examined lasciviously, and in front of a large public audience last year. In the years leading up to the trial her family was forced to leave their home town due to threats, and had fought hard to get the case into the legal system after police refused to register the First Information Report (FIR).

Sabir Soomro was discovered dead on 26 June 2010 more than 1000km away in Balochistan, near Khuzdar, which is the home town of Ali Hasan Buledi, the main perpetrator, and others believed to have been supporting the rape suspects.

PAKISTAN: A woman was sentenced to death by stoning through a Jirga on the charges of walking with a man

Women's Action Forum (WAF), an alliance of women organizations in Pakistan, reported that the incident another judgment of Rajm (stoning to death) for illicit relations, pronounced by a self-styled Jirga, an illegal court in Kala Dhaka, Pakhtoonkha province on an accusation that a man and a woman were seen walking together in a field in Madakhail.

The accused man, Zarkat, escaped on hearing the Jirga's verdict of Rajm, the accused woman was captured by the Jirga members and reportedly is being held at a secret place in Manjakot, pending the Rajm punishment. As usual, it is the woman who is made to bear the brunt of such atrocious barbarism, injustice, and inhuman, unIslamic sentences. WAF notes with grave concern that the federal and provincial Governments did not heed the higher judiciary's pronouncement of Jirgas and Panchayats to be illegal and parallel systems of "justice" and instructions to the Government to eradicate them, to punish those who participate in them, and to disallow their so-called judgements to be

implemented (vide Sindh High Court and Supreme Court landmark judgements). This is still happening with total impunity all over the country, showing the Governments' lack of political will and commitment, a disregard for the sanctity of the Constitutional trichotomy of powers, and the helplessness of the law enforcement agencies and legal systems in the face of continuing arrogant political feudal and tribal patriarchal dispensations. <http://www.ahrchk.net/statements/mainfile.php/2010statements/2683/>

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Religious Freedom and Minorities

Pakistan's religious minority groups – including Hindus, Christians, Sikhs, Jews, Ahmedis, and Buddhists – continue to face discrimination and abuse at the hands of both state and non-state actors in 2010. Members of religious minorities are socially, economically, and legally disenfranchised and targeted as victims of abduction, forced conversion, and other forms of assault and violence.

Although Pakistan has adopted legislation nominally guaranteeing religious freedoms, the government still has not taken steps to ensure basic rights or establish protections and

security for minorities. Further, the state has done nothing to amend or revoke those laws and Constitutional provisions that permit and perpetuate discrimination. At local and regional level, illegal actions against religious minorities go unpunished and thus continue to propagate. Fear of reprisal keeps many victims from reporting abuses, while those who do report incidents may have their allegations dismissed or inadequately investigated.

The AHRC finds that a wide range of measures can and should be taken to protect and empower religious minorities—including statements in support of religious tolerance and equality as well as programmes promoting the education of religious minority girls, the restoration of health facilities in predominately minority areas, and the provision of micro-credit loans to entrepreneurs to encourage their empowerment. Ending the bonded labour system, under which women are especially vulnerable to sexual exploitation from employers, is also imperative. Further, the state should seek to prevent and punish instances of abduction and ensure that police officers adequately investigate cases of rape and abduction involving religious minorities or be sanctioned.⁸³

Lack of social and economic empowerment puts religious minority women at extreme disadvantage: Recent surveys have revealed for instance that 87 per cent of scheduled caste Hindu women were illiterate compared to 63.5 per cent of males of their community, given that the national illiteracy rate among Pakistani women reaches 58%. The gap between the primary school enrolment rate of the scheduled castes women (10.2%) and the average rate (48% of Pakistani females) also tells much about the huge discrepancy existing between the opportunities offered to women from minority communities and Muslim women. Of course, Pakistan's Muslim women, as such, already face extremely high difficulties in accessing education and in obtaining equal socio-economic opportunities as men.⁸⁴

Religious minority women face incredible discrimination despite CEDAW: Pakistan has already ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), yet the social and economic conditions faced by women of religious minorities are inhumane. In urban areas, women from religious minorities are most often employed as manual scavengers or sanitary workers for insignificant wages—less than \$12 US dollars per month. In rural areas, they sometimes handle small agricultural tasks such as picking of cotton and chillies for marginal wages, when their families are not trapped into the system of bonded labour. Moreover, when women manage to generate resources through those activities, their incomes are managed by the

83 Juliette Thibaud, "Religious minority women, the forgotten victims of a fragmented society," AHRC, 3 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2524/>.

84 Juliette Thibaud, "Religious minority women, the forgotten victims of a fragmented society," AHRC, 3 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2524/>.

family head. Such practice further marginalizes women from economic empowerment and leads to a somehow paradoxical situation in which those handling the double-work load of low-paid manual labour in agriculture, domestic services or as manual scavenger and of unpaid domestic labour at home are those who benefit the least from the income they generate through it.⁸⁵

Girls and young women are abducted and forced into marriage and religious conversion: The AHRC has documented numerous cases in which police have ignored or excused themselves from investigating crimes that involve a Madrassa or Muslim cleric. The protection of the national religion does not involve the promotion of its figureheads above the law; this tendency has simply allowed Islam to become a shield behind which human rights violations can take place unaddressed. The AHRC is concerned by the lack of legal protection for crimes involving forced conversions, but is also strongly censures the lack of police action in such cases when other laws and fundamental rights are allegedly violated.⁸⁶

Women younger than 16 are not supposed to be married, and it is illegal to force women to marry without their consent: The abduction of children is not permitted under any circumstances in Pakistan. Under the Pakistan Muslim Family Law Ordinance of 1962 a girl must be at least 16 and a boy at least 18 before they marry, and both must consent. The police are duty-bound to investigate the ages of those entering into a marriage following the complaint of a parent. It should also be noted that the Contract Act of 1872 invalidates a contract if any of the parties are younger than 18. This has been used in High Court arguments against the forced conversion of minors.⁸⁷

A Young Hindu woman was forced into marriage and Islam by her parents' landlord: On October 16, 2009, the parents of Miss Gomti (15) went to their landlord's house to ask about their daughter, who worked at the house as a domestic servant. Her parents had not seen her since 12 October. They were told that she had left with the landlord two days earlier, but that he had not mentioned where he was taking her. Miss Gomti's parents are field workers in Ahmedpur Sharqiya, Bahawalpur, Punjab for the landlord, Mr. Asghar Ali.

Gomti's father, Bheeka Ram, and his wife took the case to the Shahi wala police chowki, but were told that she would likely be returned soon. The parents contacted Mr. Ramesh

85 Juliette Thibaud, "Religious minority women, the forgotten victims of a fragmented society," AHRC, 3 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2524/>.

86 "Pakistan: A young Hindu girl is detained and forcibly converted by a Madrassa; police refuse to act," AHRC, 23 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3431/>.

87 "Pakistan: A young Hindu girl is detained and forcibly converted by a Madrassa; police refuse to act," AHRC, 23 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3431/>.

Jay Pal, the vice president of the National Peace Committee for Interfaith Harmony in Punjab, formed by the federal government. On 18 October 2009 he arranged a Panchayat, a meeting of representatives from different Muslim groups, who resolved to find Gomti and try to help her.

After about six weeks she was found with Asghar Ali at a village called Wali Ka Dera, in the Khanpur sub-district of Rahim Yar Khan, a remote place in the desert about 130 km from the girl's home. Ali told the Panchayat that Gomti had married one of his peasants, a Mr. Liaquat Ali, after converting to Islam. Her marriage certificate claims that she is 19. Her alleged husband could not be produced. When Gomti was presented to the group by staff from the local seminary, her name had been changed to Sughra, a Muslim name. She was not be aware of this change.

Gomti's parents claim that they were only able to meet her in the presence of employees of Asghar Ali. She appeared to be under pressure, and reportedly asked her parents to convert to Islam. The parents were not able to take her home with them and we are told that she has been missing from the village since February.⁸⁸

Jirga members pressure Hindu teenager raped by Muslim man to marry rapist and convert to Islam—with police complicity: Four men abducted Ms. Kastoori on January 24,, the eldest of whom then raped her. She was recovered the next day from the mens' residence, where she was tied up, by a group from her community. On 26 January Kastoori's parents tried to register a First Information Report at Nagar Parker police station but were turned away. Because of this they could not obtain an official medical checkup for her at the civil hospital or the Nagar Parker hospital, which they attempted to arrange on 27 January. The family rejected an out of court sum offered to them by the father of the three perpetrators, Muhammad Bachaal Khoso, who is an office bearer for the local ruling political party and reportedly wields political influence. He arranged a jirga – an illegal tribal court – on 9 February, allegedly within the knowledge of Nagar Parker police officers. The jirga members allegedly pressured the victim's family to accept the marriage of the victim to her rapist and her conversion Islam. The family rejected this proposal and continued to try to use legal channels.⁸⁹

A young Hindu woman was kidnapped and forced to marry and convert to Islam: On 21 December 2009 Gajri (15) was taken from the home of her Hindu parents in Katchi Mandi, Liaquatpur, in Punjab's Rahim Yar Khan district. They were told that she

88 "Pakistan: A Hindu girl has been abducted by a landlord and forcibly converted to Islam; the authorities have refused to intervene," AHRC, 18 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3427/>.

89 "Pakistan: A Hindu teenager is told to marry her alleged rapist by jirga members; police and courts fail to act," AHRC, 19 March 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3395/>.

had been abducted by a neighbor. After several days, the neighbor returned home alone. Gajri's father, Mengha Ram, and her mother, tried to file a First Information Report (FIR) after she'd gone missing but were discouraged by station staff.

On 26 December the station head officer (SHO) of the local police station, Saddar Circle Police Station, Liaquatpur sub-district, received a letter and an affidavit from a Madrassa that said that Gajri had embraced Islam and had married the neighbour, a Mr. Mohammad Salim. The letter did not enclose a marriage certificate. The police only told the parents about the letter days later when they returned to the station hoping to be allowed to file the case according to their legal rights.

Rejected once more by police officers, Mengha Ram and his wife contacted the vice president of the National Peace Committee for Interfaith Harmony in Punjab, under the federal government. With his help they met the Imam in charge of the Darul-Uloom Madressa in Khan Pur. The Imam, Mr. Maulana Abdul Hafeez, told them that their daughter had embraced Islam and was not allowed to see her parents.

At the insistence of Mr. Ramesh and with the alleged permission of the local police, a meeting was arranged between the girl and her parents, in the presence of many Madrassa members. Her parents reports that Gajri appeared very upset when questioned about her conversion and did not confirm it. The majority of the questions directed at her were answered by Madrassa staff.

In January the parents tried to file a case of abduction against their neighbor and the Madrassa but were refused help by the District Police Officer. He told them that he had no power to intervene in matters of religion conversion, and that their daughter was now the property of the Madrassa. He noted that Islam was a religion that could be entered, but not exited. To date, no marriage certificate has been produced, and Gajri's parents continue to be denied access to their daughter and refused any form of help from the authorities. The police still have not allowed her parents to file an FIR.⁹⁰

Legally Sanctioned Religious Inequality

Pakistan's Constitution and Penal Code have institutionalised inequality between Islam and non-Islamic religions. The Constitution declares Islam to be the state religion and states that sovereignty belongs to Allah, effectively granting the Muslim clergy, who claim that it alone knows the will of Allah, exclusive authority in legislating and interpreting the laws. Islamic provisions of the Constitution, including Articles 227, 228, 229, require

90 "Pakistan: A young Hindu girl is detained and forcibly converted by a Madrassa; police refuse to act," AHRC, 23 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3431/>

all laws to be interpreted in the light of the Quran and that “all existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Quran and Sunnah.” These provisions greatly enhance the authority of the Muslim clergy and are easily exploited by radicals to justify the perpetuation of religious hate and intolerance.

As stated in last year’s Annual Report, the AHRC favors action by the government of Pakistan to review its legal provisions and implement legislation that will ensure all individuals’ rights to the freedom of thought, conscience and religion as enshrined in Article 18 of the International Covenant on Civil and Political Rights. Article 20 of Pakistan’s Constitution also guarantees each citizen’s freedom “to profess religion and to manage religious institutions”. Article 33 makes it the responsibility of the state to “discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens, while Article 36 ensures that the state “shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services”. These legal principles must be enacted with genuine political will on the part of the government to generate positive impact.

Relevant excerpts from the Constitution of Pakistan:

227. Provisions relating to the Holy Qur’an and Sunnah.

- (1) All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.
[242] [Explanation:- In the application of this clause to the personal law of any Muslim sect, the expression “Quran and Sunnah” shall mean the Quran and Sunnah as interpreted by that sect.]
- (2) Effect shall be given to the provisions of clause (1) only in the manner provided in this Part.
- (3) Nothing in this Part shall affect the personal laws of non- Muslim citizens or their status as citizens.

228. Composition, etc. of Islamic Council

- (1) There shall be [243] constituted within a period of ninety days from the commencing day a Council of Islamic Ideology, in this part referred to as the Islamic Council.
- (2) The Islamic Council shall consist of such members, being not less than eight and not more than [244] [twenty], as the President may appoint from amongst persons

having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Pakistan.

- (3) While appointing members of the Islamic Council the President shall ensure that:
- (a) so far as practicable various schools of thought are represented in the Council;
 - (b) not less than two of the members are persons each of whom is, or has been, a

Judge of the Supreme Court or of a High Court;

(c) not less than four of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and (d) at least one member is a woman.

[245] [(4) The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.]

- (5) Subject to clause (6) a member of the Islamic Council shall hold office for a period of three years.
- (6) A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.

229. Reference by Majlis-e-Shoora (Parliament), etc. to Islamic Council.

The President or the Governor of a Province may, or if two-fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

Seventy-one Dalit families left their ancestral village to protest the forced marriage and conversion of a 15-year-old girl: In March 2010, 400 Dalit Meghwar people left their houses and their ancestral village to protest the abduction of a 15-year old girl, Daya, who was forced to marry an influential Muslim man and convert to Islam. The Muslim abductors threatened the families not to alert the authorities nor resist in the case of future abductions. Fearing for the safety of the other girls of the community, the Meghwar families migrated and asked for protection. They have settled down in the plains near Mithi Town, with the consequence of being deprived of their source of income, food and access to drinkable water. There has been no government response or assistance.⁹¹

91 Juliette Thibaud, "Religious minority women, the forgotten victims of a fragmented society," AHRC, 3 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2524/>.

A university professor was attacked by Muslim extremist students and badly injured:

According to information from the victim and from civil society group. The Joint Action Committee, Dr. Iftekhar Hussain Baloch was severely injured during an attack by students on 1 April 2010. The professor is the chairman of the disciplinary committee of Punjab University as well as the principal of the Earth and Environment College affiliated with the university. Some of his attackers are reported to have been expelled students, most of them members of Islami Jamiate Tuleba (IJT), the student wing of militant Islamic political party, Jamate Islami (JI).

University officials identified dozens of IJT activists, including six expelled students, ransacking and destroying the office and the home of the university's Vice Chancellor before moving on to the office of Professor Iftekhar. There they began to attack the building and nearby cars while calling out threats to the professor before pulling him from his office and beating him with iron bars and fists. Some are reported to have carried knives. The professor collapsed, bleeding, and the group moved on, chanting, according to eyewitnesses, that an infidel had been killed. Colleagues took the professor to hospital where he received 20 stitches to three head wounds. His right hand and leg were fractured.

However during the incident there was no response from the authorities. Police officers arrived at the hospital two and a half hours after the incident. Following an organised protest by teachers, professors and students in Lahore, police at the Muslim Town police station took the professor's statement at the hospital, which included the names of his assailants; yet we are told that no FIR was initially filed.

In a press conference Punjab University Vice Chancellor Professor Dr Mujahid Kamran labeled the crime as a murder attempt. More civil protests followed, along with class boycotts by professors, and an FIR was filed a week later; it was reportedly illegally backdated to 1 April.

Along with the questions raised by the lack of immediate police action and protection, the resistance of police to filing the case, and the lack on intervention on the part of the authorities, the AHRC also questions the adequacy of the cases that were filed by police. They do not appear to be in proportion to the crime committed. Instead of filing a case of attempted murder and intentional attempt to murder (sections 307 and 324 of the Pakistan Penal Code), police used more minor offences, ranging from public disturbance (sections 290 and 29), the continuance of the disturbance despite orders to stop, plus the obstruction of a public servant in the discharge of public functions, along with criminal intimidation and rioting (sections 148 and 149). There are also charges related to the use of a deadly weapon (427 and 337). It also took police more than two weeks to arrest two persons on 16 April. The others named in the FIR remain at large.

Furthermore, the vice chancellor of the university received threats from Mr. Munnawar Hassan, who heads JI. Other professors and teachers report being too afraid to become involved: their family members have been threatened, and some of the attackers are still seen displaying arms in the university hallways and on motorbikes in the city.⁹²

The Blasphemy Laws

This year, Pakistan's infamous Blasphemy Laws remain in effect. Charges of blasphemy are still punishable with the death penalty, while desecration of the Holy Quran carries a life sentence. The laws were a British colonial legacy introduced in 1885 to prohibit the instigation of religious hatred, and became part of Pakistan Penal Code as Section 295 in 1927. The provision granted equal protection to all religious groups, until General Zia ul Haq, in deference to demands made by radical Islamists, introduced two new clauses (295-B and C) in 1982 and 1986 that specifically outlaw desecration of the Holy Quran and defilement of the name of the Holy Prophet Muhammad.

The deliberate institutionalisation of Islam's status as protected and predominant promoted the perpetuation of religious intolerance by Islamic fundamentalists. According to data collected by the National Commission for Justice and Peace (NCJP), at least 964 persons were alleged under these anti-blasphemy clauses from 1986 to August 2009, while over 30 persons were killed extra-judicially by the angry mob or by individuals.

Militant Muslim organizations are using the tool of blasphemy as the best way to keep religious minority groups under pressure and even forcibly take land. The State is failing to protect the lives and property of the minority community. The blasphemy law has made it compulsory that no police officer below the level of Superintendent of Police can investigate the charges but this is rarely adhered to.⁹³

In April 2001 an attempt was made by the Musharraf government to amend the procedures in the registration of blasphemy cases, but he quickly withdrew the new order upon vehement opposition from Islamic fundamentalists. In August 2009 after the Gojra attack in which seven Christians were burnt alive, the current Prime Minister Yousuf Raza Gilani again announced plans to review "laws detrimental to religious harmony" in a committee comprising of constitutional experts, the minister for minorities, the religious affairs minister and other representatives, but the government has again hesitated to

92 "Pakistan: Punjab authorities respond weakly to another violent attack on a university professor by radical religious students," AHRC, 21 April 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3430/>.

93 "Pakistan: A Hindu community is attacked and evicted on fabricated Blasphemy charges, houses burned causing death of person by firing," AHRC, 25 August 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3527/>.

initiate change due to their unwillingness to antagonize fundamentalist groups.

Recent cases in Pakistan suggest a criminal collaboration among government authorities, police, and fundamentalist organizations, in which the Muslim clergy, on receiving bribes from land-grabbers in the National and Provincial Assemblies, colluded with local police to expropriate land owned by minorities by bringing blasphemy allegations against them. The situation is especially worrying in Punjab province after the formation of the PML-N government, which has a record of intolerant policies against Christians and Ahmadis in particular.

In multiple instances, Muslim attackers have used blasphemy laws as a pretext for seizing land from Hindus: Last year, during the Hindu festival of Holy (colour festival), two Hindu communities, the Kohli para and Bheel Para, were attacked on the false charges of writing blasphemous words by land grabbers in Soomra of Mirpurkhas. The Hindus had to leave the area and move to other places. The land grabbers then were able to purchase the land from these two communities at exploitatively low prices.⁹⁴

Hindu community attacked and evicted, their houses burned, because of fictitious blasphemy charges: A Muslim group attacked on a Hindu community that had been established for a century in order to annex land occupied by the Hindu community in Sindh Province. Members of the Hindu community were forced to vacate their houses and assets from the area. Muslim attackers burned three houses. Many women and children were assaulted, and seven Hindu men were arrested on fabricated charges of blasphemy, accused of writing abusive language against the last prophet (peace be upon him) of Islam on the walls around the mosque. The loudspeakers of the mosque were used to provoke the Muslim residents to attack on the Hindu community. A young Muslim man was killed during the exchange of firing between the attackers and the Pakistan Rangers.⁹⁵

Two Christian brothers illegally charged with blasphemy in Punjab: Mr. Rashid Emmanuel (32) is a pastor. On the evening of 2 July he received a telephone call from a man who claimed to be from the La Salle School, a prominent Christian educational centre. He asked to meet Mr. Rashid about an urgent matter. When Rashid arrived he saw four persons standing in the dark, then ten uniformed police officers reportedly emerged and arrested him.

94 "Pakistan: A Hindu community is attacked and evicted on fabricated Blasphemy charges, houses burned causing death of person by firing," AHRC, 25 August 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3527/>.

95 "Pakistan: A Hindu community is attacked and evicted on fabricated Blasphemy charges, houses burned causing death of person by firing," AHRC, 25 August 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3527/>.

He was taken to the Civil Lines Police Station nearby and shown a photocopy of a four-page handwritten pamphlet that criticized Islam and its last prophet, Muhammad (peace be upon him). The pamphlet appeared to be signed by Rashid and his younger brother Sajid Emmanuel. The police detained Rashid on the basis of a blasphemy complaint filed by a printer who declared that his assistant had seen a man distributing the pamphlets at Lari Adda. Based on this information the police filed a First Information Report (FIR).

A representative of the Christian community – Mr. Atif Jamil Pagan, the Chief of Pakistan Minorities Democratic Harmony Foundation – contacted the police and was told by the SHO that a sub inspector and an assistant superintendent had been chosen for the investigation; he allegedly acknowledged that they were not complying with section 295C of the PPC because they were under pressure from extremist Muslim groups in the community. The sub inspector, a Mr. Mohammad Hessian, later told Atif that the accused was being detained without evidence against him because the case was a sensitive one.

On 3 July the police took Rashid to the Anti Terrorist Court (ATC) for police remand, where the case was correctly refused. Religious matters are no longer under the authority of the ATC, as maintained in clause 780 of the Anti Terrorist Act (ATA) 1997. Rashid was taken to a duty magistrate in the Civil Lines jurisdiction, who agreed to his two-day remand in police custody, despite the breach of procedure. The sub inspector also summoned Atif Pagan to the police station and asked that he produce Rashid's young brother. The police then asked the brothers to handwrite each pamphlets three times. On 7 July the writing samples were sent to experts in Lahore, but the experts reportedly replied that they could not work from photocopies.

During this time groups of organized Muslim activists started to rally against the brothers in public: we are told that the loudspeakers from a number of mosques were used illegally to do so, and to incite violence against local Christians (in violation of Section 3 of the Loud Speaker Act 1965). On 7 July a procession in Warispura saw local Muslim residents chanting threatening slogans against Christians. The mob also attacked a Catholic church. On 10 July persons in another procession burned tires on the streets and declared that Christians would not be allowed to live in Warispura. At 1am that night a procession of motorbikes harassed Christians who were leaving their homes with their belongings.

The AHRC was told that the police began efforts to address the protestors on 10 July, and that after a number of meetings it was agreed that the rallies and threats should stop. However protest gatherings continued on 11 July and united at noon when Muslim leaders from various religious political parties, among them Khatme-e-Nabowat, Jamiat Ulema-ePakistan and Namoos-e-Risalat reiterated death threats against the brothers, because the government had not sentenced them to death. We are told that among the

speakers were Sahibzada Abulkhair Mahumed Zubair and Syed Hidayat Hussain Shah, who are known for inciting violence in the area. At the meeting it was announced that a set of gallows had been set up at the tower of Ghanta Ghar, in preparation for the hanging of blasphemous Christians. The brothers remained in detention at the police station without adequate protection against mob violence or co-detainees, who also threatened them.⁹⁶

A Christian woman was sentenced to death under blasphemy laws after an accusation by vindictive co-workers: A 45-year-old Christian woman, Asia Bibi, asked to fetch water while working in the fields was then told by Muslim women that she should not be allowed to touch their water bowl. They later accused Bibi of blasphemy, and a lower court sentenced Bibi to death.⁹⁷

A female Christian teacher told that if she protested discrimination she would be charged with blasphemy: Ms. Julia Austin (32) has taught mathematics for 11 years and has been employed at Bahria Town School, a private educational institute in Lahore since February 1, 2007. Her principal, Ms. Naghmana Ambreen, was a Muslim woman known for her hatred for Christians, repeatedly abused and humiliated Ms. Austin since 2007, then dismissed her in June 2010.

After the AHRC issued an Urgent Appeal an inquiry was ordered by the Inspector General Police (IGP), Punjab province, and an Assistant Sub Inspector (ASI), Mr. Khadim Hussain of Sundus Police station, Lahore, was assigned to conduct the inquiry. The ASI asked the principal Ms. Naghmana for her comments and the principal agreed that the inquiry should be held inside Bahria Town, a private housing scheme, on 31 August. On the day of inquiry the principal refused to attend but the teacher, Julia Austin, was present. The chief security officer of the Bahria Town, Colonel Hamid, a retired army officer, stopped the police officer from record any statements and started threatening the victim to retract her claim, otherwise being a Christian lady she would face drastic consequences.

The ASI subsequently filed a report that as Principal Naghmana was not available the inquiry was not possible. These remarks infuriated the principal and she complained to Mr. Riaz Malik, the owner of Bahria Town about the police inquiry. Mr. Malik being an influential personality, allegedly used his connections to have the inquiry officer

96 "Pakistan: The Christian community in Punjab is under threat from extremist groups again; two brothers are illegally charged with blasphemy," AHRC, 14 July 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3503/>.

97 "Pakistan: Outcry over death sentence for 'blasphemy' mother who offered farmhands water," AHRC, 12 November 2010, <http://www.ahrchk.net/pr/mainfile.php/2010mr/800/?print=yes>

transferred. The ASI had suggested to the school authorities that the termination of Ms. Austin was not according to legal process therefore she should either be restored to her position or be paid all her dues. The new inquiry officer, ASI Mumtaz Ali has still not started his inquiry.

The principal, Ms. Naghmana, also threatened Ms. Austin her and her parents that if she does not apologise then, being Christian, the family would face severe consequences. After receiving continuous threats it occurred to Ms. Austin and her parents that they may be charged under the blasphemy law which is frequently used against members of the religious minorities in Pakistan.⁹⁸

Continuing discrimination and violence against Ahmadis

The second amendment of Pakistan's Constitution (1974) adopts an exclusionary definition of Islam and declares Ahmadis a non-Muslim minority. Clause C (b) of Article 260 states that "‘non-Muslim’ means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or Lahori group (who will call themselves ‘Ahmadis’ or by any other name), or a Baha’I, and a person belonging to any of the scheduled castes."

The Ahmadi Muslims do not have the right to vote under the eighth amendment of the 1973 Constitution and have no freedom to practice their faith, belief, practice or worship. This discriminatory electoral system based on religious beliefs is in violation of national and international legislations, as well as the spirit of democracy itself. Under the Pakistani Constitution, every Pakistani citizen should have the right to vote irrespective of race, religion, creed or belief. Article 25 of the International Covenant on Civil and Political Rights also states that "every citizen shall have the right and opportunity to vote and to be elected." Articles 19 and 21 of the Universal Declaration of Human Rights also guarantee the right to vote to every citizen. The right to vote is one of the most basic and fundamental rights that must be guaranteed to every citizen and without which a state cannot call itself a democracy.⁹⁹

The Pakistan Penal Code contains legal provisions that institutionalize explicit discrimination against the Ahmadi sect, including Section 298-C, which stipulates that

98 "Pakistan: A teacher is warned that Christians have no future in the country by school principal and chief security guard of a housing project, AHRC, 21 September 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3558/>; "Pakistan: A Christian teacher faces systemic discrimination at work and is dismissed without valid ground or lawful compensation," AHRC, 30 July 2010, <http://www.ahrchk.net/ua/mainfile.php/2010/3515/>.

99 "Pakistan: The electoral process is self-contradictory and denies the Ahmadi minority its right to vote," AHRC, 19 March 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2474/>.

“any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.” This provision stands in direct contradiction to the right to freedom of speech and religion enshrined in Articles 19 and 20 of the Constitution. In March, fifteen men from Sillanwali tehsil, Sargodha district, Punjab province were booked under Section 298-C for attending a place of worship that resembles a mosque, thus for the “impersonation of Muslims”.

The blasphemy laws are also widely used against the Ahmadis, with about 340 out of the 964 persons alleged under blasphemy laws from 1986 to August 2009 being members of the sect, according to a NCJP report. At present more than one thousand Ahmadis are estimated to be in Pakistan’s jails on charges of blasphemy.

In spite of its claim to be a democracy the government of Pakistan has shown no inclination to repeal its disgraceful laws and regulations against the Ahmadi Muslims. The fundamentalist and extremist Mullahs and religious fanatics continue to perpetrate and encourage the murder, persecution and harassment of Ahmadis throughout Pakistan. These fundamentalists hold religious conferences with the intent of inciting the masses against the Ahmadis and openly challenging the government. The government has stood by passively and let these atrocities continue. The result is de facto state sponsored terrorism. AHRC would advocate for the government of Pakistan to stand up and adopt a zero tolerance approach to deal with this issue once and for all by giving Ahmadis the same rights enjoyed by other citizens of Pakistan instead of capitulating to the demands of extremists.

On 28 May 2010, Muslim extremists killed more than 80 Ahmadis during their Friday congregation: While the Friday worship service was being conducted in their principal mosque on Allama Iqbal Road and another mosque in Model Town in Lahore, anti-Ahmadiyya assailants supported by the extremist groups and protected by the government authorities attacked both mosques. The worshipers were attacked with hand grenades and sprayed with bullets. Further, suicide bombers detonated bombs inside the mosques killing more than eighty worshipers and injuring hundreds.¹⁰⁰

100 “Pakistan: The tragedy continues—the killing of more than eight Ahmadis by Muslim extremists,” AHRC, 29 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2565/>.

Three Ahmadis murdered in targeted shooting, and police fail to investigate: On April 1, at around 10:00 p.m., Sheikh Ashraf Pervaiz and Sheikh Masood Javaid, sons of late Sheikh Bashir Ahmad; and Asif Masood son of Sheikh Masood Javaid closed their businesses -Murad Cloth House and Murad Jewellers situated in Rail Bazaar, Faisalabad. They were on their way home when their car reached Faisal Hospital, Canal Road where there was a white car waiting. Four or five persons jumped out of the white car and started shooting indiscriminately at the businessmen. As a result, all three were seriously injured and died on the way to hospital.¹⁰¹

Punjab provincial government complicit in inciting intolerance and violence against Ahmadis: The Punjab provincial government declared Ahmadis as *Wajabi Qatl* (liable to be murdered). In the month of February, the Punjab government released notorious murderers belonging to a banned religious group, the Sipah Shaba Pakistan (SSP). The provincial government used them during the by elections in two different electoral constituencies. They were the foot soldiers of the provincial law minister. The government of the Punjab sponsored and held an ‘End of the prophet hood’ conference at the Badshahi Mosque in the provincial capital city of Lahore on April 11, 2009. On this occasion, they also burnt an effigy of the founder of the Ahmadiyya community. Clerics, one after another, unrestrainedly proposed the denial of religious freedom to Ahmadis and indulged in slander and abuse. The conference was paid for with public funds. The Federal Minister of Religious Affairs also addressed the conference.¹⁰²

Courts also discriminate against Ahmadis at behest of fundamentalists: Early in 2010, the sessions court of Mirpukhas district, Sindh province, awarded three years rigorous imprisonment and slapped a fine of Rs. 50,000 each on three Ahmadis, Mr. Masood Chandio, Mr. Abdul Khaliq and Mr. Abdul Ghani on the basis of a complaint of a fundamentalist religious group that these persons were impersonating as Muslims and preaching Islam.¹⁰³

Children

In Pakistan, children face immediate threats in the form of malnutrition and other health concerns, lack of access to education, violence, and human trafficking as well as growing long-term challenges. Nationally, 40 percent of children are underweight and 13 percent are severely malnourished—with 42 percent of under-five children showing signs of

101 “Pakistan: Three more Ahmadis murdered in target killings. No arrests have been made,” AHRC, 7 April 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2491/>.

102 “Pakistan: Three more Ahmadis murdered in target killings. No arrests have been made,” AHRC, 7 April 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2491/>.

103 “Pakistan: Three more Ahmadis murdered in target killings. No arrests have been made,” AHRC, 7 April 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2491/>.

stunted growth.¹⁰⁴ In the North-West Frontier Province (NWFP), for example, 1 in 10 children dies before the age of five, one in three children is underweight, and 16 percent are severely malnourished.¹⁰⁵ According to UNICEF, 465,000 children under five die in Pakistan each year. Approximately one-third of infants have low birth weight.

Untold thousands of children go missing in Pakistan each year. No nationwide data exists, however, in 2009 alone, 2,582 cases of missing children were registered in over 100 police stations in Karachi. Police are of little or no assistance to parents and family following disappearances and offer no protection. The police say that since children's going missing is not a cognisable offence without evidence of unwilling abduction, it is difficult to follow up. The insensitive attitude of the police adds to the misery of those whose children have been kidnapped. Without professional help, parents are unable to do much to recover their children. Further, even should police attempt to assist, police are not trained or equipped to investigate the disappearance of children.¹⁰⁶

An 11-year-old boy went missing, and the police refused to help: Eleven-year old Mohammad Sameer, a resident of Liaquatabad, Karachi, Sindh province, went missing in October 2009. After searching for him without any success his parents approached the police to register an FIR, but were denied this. What the police did do was register their complaint in the daily dairy (roznamcha) and asked the couple to return if they received a call for ransom or any other hint about Sameer. "But shouldn't this be their job?! If I do get some information, why should I contact the police? Wouldn't I go to recover my child myself?" asks Naseem. These are some questions the police have no answers to. Naseem told *The Express Tribune* that after repeatedly being turned down by the police, he and his wife sought the help of various clairvoyants in the city to recover their child as well, but in vain.¹⁰⁷

Approximately 10 million children—some of whom have been trafficked from Afghanistan, Bangladesh, and Burma—are engaged in child labour in Pakistan:¹⁰⁸

The majority of child labourers are engaged in agricultural work; others work in brick

104 Pakistan: Statistics, UNICEF, Accessed 26 November 2010, http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html.

105 Antonia Parabela, "Help for displaced and malnourished children in Pakistan," 10 March 2009, http://www.unicef.org/infobycountry/pakistan_48558.html.

106 Aroosa Masroor, "Pakistan: 2,582 children were reported missing and cases were registered in over 100 police stations last year," AHRC, 12 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2538/>.

107 Aroosa Masroor, "Pakistan: 2,582 children were reported missing and cases were registered in over 100 police stations last year," AHRC, 12 May 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2538/>.

108 "Ten million engaged in child labour in Pakistan," *Express Tribune*, 10 November 2010, <http://tribune.com.pk/story/75061/ten-million-engaged-in-child-labour-in-pakistan/>.

kilns, mines, fisheries, carpet factories, and other urban factories manufacturing a variety of products, from surgical goods to footwear.¹⁰⁹ Children forced into bonded labour are frequently exposed to hazardous conditions, particularly in agricultural work. Seven percent of child labourers frequently incur injuries or contract an illness while 28 percent occasionally do so.¹¹⁰

The government of Pakistan must enforce anti-bonded labour rulings and statutes, which have existed for nearly two decades but never been implemented. The Pakistan Supreme Court abolished the “*peshgi*” (bonded) system in September 1988, but did not absolve labourers of past debts. In 1992, the Bonded Labor (Abolition) Act made bonded labor illegal and cancelled bonded laborers’ debts to their employers.¹¹¹

Child marriage is illegal but common in Pakistan: According to the 1961 Pakistan Family Act, women must be 16 and men 18 to marry, and in 1990, Pakistan ratified the Convention on the Rights of the Child, which prohibits child marriage. However, in early arranged or forced marriages the family or partner will often falsify documents and do so with impunity.

Through rulings by a *jirga*, *vani* and *swara*, girls and women are forced into marriage as a substitution for monetary compensation, to settle conflicts, and even as restitution for crimes. Girls may also be married to much older men for money. Both boys and girls may be married very young to ensure they remain close to the family and responsible to the family rather than leaving. The ease with which families and men are able to avoid legal repercussions for their actions guarantees the continuation of these practices.

Islamic extremists recruit children as young as 5, and the recruitment of children as militants is increasing. In PBS documentary Children of the Taliban, director Sharmeen Obaid Chinoy interviewed Taliban commander Qari Abdullah, who stated that he recruits children from the age of 5: “Children are tools to achieve God’s will. And whatever comes your way, you sacrifice it.” Children are recruited to be soldiers and suicide bombers with brightly colored paintings depicting their rewards in Paradise after their death, then placed in separate camps by age.¹¹²

109 “Pakistan,” U.S. Department of Labor, Accessed 26 November 2010, <http://www.dol.gov/ilab/media/reports/iclp/sweat/pakistan.htm>.

110 Mashal Sahir, “VIEW: Child Labour: A Threat to the Future,” Daily Times, 13 November 2010, http://www.dailytimes.com.pk/default.asp?page=2010\11\13\story_13-11-2010_pg3_6.

111 Mashal Sahir, “VIEW: Child Labour: A Threat to the Future,” Daily Times, 13 November 2010, http://www.dailytimes.com.pk/default.asp?page=2010\11\13\story_13-11-2010_pg3_6.

112 Kalsoom Lakhani, “Pakistan’s Child Soldiers,” Foreign Policy, 29 March 2010, http://afpak.foreignpolicy.com/posts/2010/03/29/pakistans_child_soldiers.

The vast majority of suicide bombers in Pakistan are children and teenagers:

Islamic extremists, like human traffickers, take advantage of displacement and chaos to attempt to recruit children to adopt their beliefs and sometimes commit acts of violence. According to Pakistani journalist Zahid Hussain, 90 percent of Pakistani suicide bombers are between 12 and 18 years old.¹¹³

The government of Pakistan must make progress toward the enforcement of existing legislations and treaties as well as introducing new legislation to ensure a more robust framework for the protection of children. To that end, the AHRC favors the creation of a Child Affairs Ministry, an action also strongly supported by the Children's Parliament Pakistan (CCP), Society for the Protection of the Rights of the Child (SPARC), and Strengthening Democracy through Parliamentary Development (SDPD).¹¹⁴ To abolish the recruitment and retention of children as soldiers and suicide bombers, Pakistan can and should establish deradicalization programs and follow the example of Sri Lanka in creating transit centers to rehabilitate former child soldiers.¹¹⁵

The Effects of Conflict and Disaster on Children

As of last year, at least three million Pakistanis had already been displaced by conflict with the Taliban in the Swat, Buner, and Lower Dir districts.¹¹⁶ This year's floods directly affected 20 million people. Furthermore, they have monopolized the attention of the media, diminishing the resources available to bring violations and crimes to public attention or publicize human rights abuses.

Dealt the double blow of on-going armed conflict and natural disasters, women and children are extremely vulnerable to human trafficking. Many have been displaced and lack structural security and protectors. In families displaced by armed conflict and affected by the floods, in many cases, older men attempt to remain with land and protect their livelihoods while women and children flee the area. As a consequence, these displaced persons and refugee populations are especially vulnerable to sexual assault, violence, and human trafficking.

113 Kalsoom Lakhani, "Pakistan's Child Soldiers," *Foreign Policy*, 29 March 2010, http://afpak.foreignpolicy.com/posts/2010/03/29/pakistans_child_soldiers.

114 "Children Parliamentarians Demand Child Affairs Ministry," *Daily Times*, 25 November 2010, http://www.dailytimes.com.pk/default.asp?page=2010\11\25\story_25-11-2010_pg11_6.

115 Kalsoom Lakhani, "Pakistan's Child Soldiers," *Foreign Policy*, 29 March 2010, http://afpak.foreignpolicy.com/posts/2010/03/29/pakistans_child_soldiers.

116 "Children in Pakistan," *Boston Globe*, 10 June 2009, http://www.boston.com/bigpicture/2009/06/children_in_pakistan.html.

The disorganization inherent in displacement and relocation camps—as well as corruption—creates opportunities for human traffickers to prey on and kidnap victims with impunity. Various NGOs and civil society partners have expressed concern over the increasing number of missing children and women. The scale of the problem is unknown, because due to social context and the importance of honor, many families are reluctant to report missing girls.¹¹⁷

More than 400 children went missing during floods: As mentioned in the sub-chapter on the 2010 floods, when the Roshni Missing Children Helpline visited several relief camps in Karachi, Thatta, Dadu, and Sukkur, they registered more than 26 cases of missing children. Of these 26 missing children, 21 were boys between 5 to 16 years old and five were girls aged between 12 to 17 years. The organization has managed to recover 3 children; however, 23 children are still missing. The organization further reported that according to the National Disaster Management Authority, about 400 children went missing during the floods.

Child Abuse

Children have few legal or practical protections in Pakistan. As a result, in addition to forms of human rights violations like child labor and forced marriage, children suffer extremely high of physical, sexual, and mental abuse as well as neglect from an early age. Like rates of violence against women, the incidence of child abuse is rising. These forms of abuse abrogate the rights of the child to protection, development, and consent, intractably violating their human rights and causing long-term developmental damage that affects propensity to seek higher education, attain professional success, marry and have a family, commit crimes, and perpetuate the cycle of abuse.

Child abuse is not limited to any class, caste, ethnicity, and religion but a nationwide problem in Pakistan, although certain factors do increase the likelihood of abuse occurring, including a history of abuse and extreme poverty.¹¹⁸ Poorer families are also more likely to sell their children into abusive employment situations and to human traffickers.¹¹⁹ The prevalence of child abuse is an enormous public health threat and a primary contributing factor to Pakistan's extremely high child mortality rates—one of the

117 "Pakistan: Super floods make children and women vulnerable to trafficking," AHRC, 20 September 2010, <http://www.ahrchk.net/statements/mainfile.php/2010statements/2841/>.

118 Ch Aamer Waqas, "9.4pc rise in child abuse cases in Pakistan," 27 November 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/27-Nov-2010/94pc-rise-in-child-abuse-cases-in-Pakistan>.

119 "Child trafficking ring unmasked in Pakistan after murder of Christian girl," Catholic News Agency, 18 February 2010, http://www.catholicnewsagency.com/news/child_trafficking_ring_unmasked_in_pakistan_after_murder_of_christian_girl/.

four highest child mortality rates in the world.¹²⁰

A complicated but important form of physical abuse is that perpetrated in schools in the form of corporal punishment. The harshness of punishments dispensed in schools in Pakistan has left children with serious injuries requiring medication or treatment and has been blamed for causing its sky-high drop-out rates. In Islamabad, the Society for the Protection of the Rights of the Child (SPARC) has found that 35,000 secondary-school students drop out as a direct result of corporal punishment each year.¹²¹

Ten-year-old boy beaten with shoe by science teacher drops out: A 10-year-old boy who previously loved studying mathematics, Bilal Javed, was beaten so badly by a science teacher for talking in class that his father had to give him a painkiller so that he could sleep that night, and Bilal stopped attending school afterward.¹²²

A lack of data and monitoring systems makes it difficult to quantify the scale of the child abuse problem in Pakistan. However, in November 2010, it was reported that in 2009 there had been 2,012 child sexual abuse cases, a nearly 10 percent rise from 2008 meaning that 3.3 children were being sexually abused each day. Of the children abused, 68 percent were girls and 32 percent were boys. The incidence of child abuse is concentrated and varies by region, with Punjab comprising 62 percent of all cases followed by Sindh (28 percent) and Islamabad (7 percent). Of the cases known, 81 percent were reported to the police while at least 6 percent were not registered and the status of 13 percent was unclear.¹²³

Because many or most instances of child abuse occur within families or are perpetrated by other caretakers, principles of honor, shame, and privacy preclude the families of victims reporting the abuse. The damage caused by child abuse is compounded by the failure to acknowledge and treat that abuse. Further, when cases of child abuse make it to the judicial system, much of the time children are subjected to additional neglect and mistreatment without any ultimate resolution or justice. Sexual abuse presents a special problem because it is difficult to discuss sexual issues in public forums.

120 "Pakistan amongst countries with highest child mortality rate," PPI, 9 December 2009, <http://www.onepakistan.com/news/health/26194-pakistan-amongst-countries-with-highest-child-mortality-rate.html>.

121 "School beatings make Pakistani students dropout," OneWorld South Asia, 22 May 2008, <http://southasia.oneworld.net/Article/school-beatings-make-pakistani-students-dropout>.

122 "School beatings make Pakistani students dropout," OneWorld South Asia, 22 May 2008, <http://southasia.oneworld.net/Article/school-beatings-make-pakistani-students-dropout>.

123 Ch Aamer Waqas, "9.4pc rise in child abuse cases in Pakistan," 27 November 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/27-Nov-2010/94pc-rise-in-child-abuse-cases-in-Pakistan>

The AHRC supports the enforcement of laws prohibiting the abuse of children and increasing efforts to raise public awareness and reduce the stigma surrounding child abuse as well as the creation of a Ministry of Children's Affairs that will oversee national and regional efforts to identify the causes and incidence of child abuse and address them through public policy and public outreach.

Freedom of expression

The year 2010 was no different year for journalist community from the previous years of military regime of General Musharraf. Journalists and media houses had faced attacks, manhandling, abduction, torture and murder by the state and non state actors. Some journalists were abducted and tortured by intelligence agencies and non state actors whereas some journalists were killed in blasts and targeted by militants. In the absence of any proper mechanism of security for the working journalists the incidents of violence has increased and they have become easy target. The government has failed to provide protection to the media persons. The media houses are least concerned with the security of their staff so for journalists it is difficult to find secured atmosphere.

The freedom of expression in Pakistan is very much restricted by the constitution of the country itself. The article 19 of the constitution says, Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by the law in the interest of the Islam or the integrity, security of defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court or incitement to an offence.

The freedom of expression is restricted mainly by three groups; the media houses, government and religious and political groups who have their militant groups. The government works against freedom of expression through Pakistan Electronic Media Regulatory Authority but above to it is the private cable operators who works much more under religious and political militant groups and they decide what to show and what not by putting self censorship.

The religious groups are always domination on the limitations of the freedom of expression. Because of which the journalists and media houses do not want to confront on the limitations prescribed by the religious groups. In the name of Islam and ideology of Pakistan the freedom of expression was suppressed by the state on the instigation of religious bigotries since the creation of the country in 1947. The first speech of the founder of Pakistan, Mohammad Ali Jinnah, was censored though he was the governor general of the newly created country. Since then always the religious leaders were determining the scope of freedom of expression, which is still continued.

After the elimination of military government and formation of elected governments a new tussel has started between the government, politicians and the media houses. Still no institution denies the freedom of media and access to information but it is difficult to understand the freedom of expression or freedom itself. The media houses are very much open to criticize government and its functionaries but have their own self censorship system for example media houses refuse to report the human rights violations by the army and security agencies even do not carry those violations which were already published in foreign media or reports of human rights organisations for example the killings during army operation and finding of mass graves in those articles. The media also do not provide space to working journalists in the cases of low wages, denial of wage board awards since 2000 and security of the journalists.

It is also difficult for the ruling party/parties to coup with broader sense of freedom of expression. The first time in the history of the country that the ruling party has made total boycott of a media house for taking a very critical opposition against the government. The level of tolerance in respect of criticism has went so level by both the sides, the government and media, that both cannot balance themselves to the requirement of the freedom of expression which already has many limitations according to the constitution of Pakistan.

In the presence of all these restrictions the freedom of expression has very little space to show its existence. The main problem with freedom of expression is that nor do media houses, journalists nor politicians need freedom of expression in its pure form. They have much reservations about freedom as they do not like to talk on religious issues and also cannot tolerate open discussions on religious issues. The same is with army, gender issues, rights of women (only wants to discuss in the context of Shariah and Quran, the holy book) gays rights and security issues. The media and its houses need advertisements from government without any accountability and without any taxations. If any time government does not provide such things the media houses become champions of freedom of expression.

The overall situation of freedom of expression/media during 2010

According to the Pakistan Federal Union of Journalists (PFUJ), the sole representatives of journalists in Pakistan, claims that during 2010, eleven journalists were killed while are performing the duties. Following journalists were killed mostly by bomb blasts or terrorists attacks and intelligence agencies;

November 18, the body of Abdul Hameed Hayatan, a young Baloch journalist who was kidnapped in the southwestern port city of Gwadar, Pakistan, on 25 October was found beside the River Sami in Turbat, 40 km to the east, on 18 November. His reporting

critical of the Pakistani authorities and his support for the Baloch national movement were almost certainly the motive for his abduction and murder. Hayatan was shot in the head and chest. Marks on his body clearly indicated that he was tortured before being killed. The body of a student, Hamid Ismail, was found alongside Hayatan's.

September 21, Mujeebur Rehman Saddiqui, 39, was a senior correspondent for the newspaper Daily Pakistan. He was shot dead on 16 September by unidentified gunmen as he was leaving the mosque after evening prayers in the north-western province of Khyber Pakhtunkhwa.

Misri Khan Orakzai, 48, was correspondent in Hangdu for several newspapers, including *Jinnah* in Islamabad and *Mashriq* in Peshawar, and president of the Hangdu Union of Journalists. He was killed on 14 September by three unidentified gunmen outside the Hangdu press club, also in Khyber Pakhtunkhwa province. Shot four times, he died at the scene. According to international media watchdog Reporters Without Borders (RSF), the Taliban have claimed responsibility for his murder.

May 13, Birhamani, 30, was found murdered on Monday outside his hometown of Wahi Pandhi, Sindh province, after being kidnapped the day before. He was a local reporter for a small newspaper, the *Daily Sindhu Hyderabad*, in a country where violence is routine.

Mr. Johra, a 45-year-old reporter for the Royal TV network, was dragged from his home by six armed men on 3 November and killed. Local drug dealers are believed responsible for the killing.

On August 10, Azeem Leghari, a correspondent for local leghari for local Sindhi tv channel, Darthi tv was killed while sitting with some local tribesmen, doing a story on the ongoing dispute between the two tribes. Five people were killed in the incident.

On Feb. 29, a local journalist Sirajuddin Ahmed was killed when a suicide bomber blown himself at a funeral killing 42 people.

On 16 April Samaa TV cameraman Malik Arif was killed in a suicide bombing at a Quetta hospital and five journalists – Noor Elahi Bugti of Samaa TV, Salman Ashraf of Geo TV, Fareed Ahmed of Dunya TV, Khalil Ahmed of Express TV and Malik Sohail of Aaj TV – were wounded. The journalists were at the hospital to film a gathering by Shiites in support of a Shiite businessman who had been the target of a murder attempt. Seven other people were killed in the bombing, which bore the hallmarks of a Sunni jihadist action. "When all the businessman's friends and all the journalists had gathered at the hospital, a suicide bomber came up, opened fire and then blew himself up in the middle of the crowd," Quetta-based journalist Malik Siraj told Reporters Without Borders.

On May 10, Police found the body of journalist Ghulam Rasool Birhamani, 30, a reporter for the daily "Sindhu Hyderabad", at a deserted place two kilometres from Dadu. Hospital officials said death was caused by fatal injuries to the head. There were torture marks on the body. Ghulam Bhand, president of the Dadu Press Club, told the Pakistan Press Foundation (PPF) that Ghulam Rasool Birhamani had received threats from members of the Lashari tribe some days ago after he reported on the marriage of an underage girl from the tribe.

On June 29, Faiz Muhammad Sasoli, a reporter based in Khuzdar District, in the southwestern province of Balochistan, was killed by submachinegun fire. Sasoli, who worked for the Aaj Kal daily newspaper and the Independent News of Pakistan agency, had escaped two previous murder attempts. He is the sixth media worker to be killed in Pakistan since the start of this year.

Four foreign journalists were killed in blast

On February 4, 2010, at least four foreign journalists were killed and several people injured when a security forces' convoy was targeted by with a bomb in Dir district of Khyber Pakhtoon Kha province (former north west frontier province). The foreign journalists were killed and several others were injured, the Geo News channel reported. Some local journalists and security personnel were among the injured.

Torture of journalists

A senior journalist was abducted, tortured and kept incommunicado by the intelligence agencies

A shameful act of torture allegedly by the officials of notorious intelligence agencies and the Elite Force, a law enforcement agency of Punjab government was witnessed when Mr. Umer Cheema, a senior journalist from the newspaper, daily The News International, was abducted, tortured severely and kept in incommunicado to threat and intimidate him from his professional duties. Several media reports suggest that persons from intelligence agencies carried out the act. The government has still not been able to arrest the persons responsible for the abduction and torture. In a routine way the orders to arrest the culprits and form an inquiry committee have been made by the government and the Ministry of Interior and the Lahore High Court has taken suo motto action. However, it appears that the government officials and the courts hesitate to take action against the intelligence agencies due to the culture of impunity.

<http://www.ahrchk.net/ua/mainfile.php/2010/3543/>

A journalist was tortured by aviation authorities

The officials of the Civil Aviation Authority (CAA) has ruthlessly tortured and inflicted more than 31 injuries on various parts of the body of a journalist of Din TV channel. Faisal Shoukat Ali Rajput, who is in the journalism profession for over 15 years, went to the Karachi Airport to cover a spot coverage of fire incident that occurred at the VIP Lounge on Oct. 9 evening. The media teams were prevented by the officials of the CAA to enter the VIP Lounge to shoot the fire footage, on the pretext that the area was sensitive and cannot be allowed to be shown on TV screens. However, Faisal insisted on coverage of the fire and somehow prepared film. Upon this, about half a dozen officials of the CAA severely thrashed him and took him to an unknown destination. He was kept in illegal confinement for more than 20 hours where he was severely tortured with iron rod, wooden sticks and inflicted more than 24 injuries on various parts of the body.

The 100 journalists were sacked

The JS Group, a media house, has illegally sacked without notice or pay of more than 100 staff at Pakistan's Business Day newspaper. According to IFJ affiliate the Pakistan Federal Union of Journalists (PFUJ), the Karachi-based national English daily was closed suddenly on February 27.

All staff were reportedly locked out of the paper's premises. Many had worked at the paper for more than four years. It demanded governing authorities hold the owners accountable in accordance with the law and common decency.

The lawyer's vandalism against media persons

The lawyers, after the great victory of restoring independence of judiciary, they use their muscles against the freedom of expression. On three different occasions they beaten, dragged the journalists who were covering the court proceedings and broken their cameras and vehicles. In February the TV crew of a renowned channel was maltreated by a group of lawyers in Lahore. The lawyers, without any provocation and justification, attacked the Geo media team, damaged camera and manhandled other members of the team and prevented them from discharging their professional assignments, the lawyers tortured a Geo correspondent and Anarkali Police SHO on the premises of the District and Session Judge Court. It is said that Smanabad police arrested two people who happen to be brothers of a women lawyer in a case.

In July 2009, the lawyers did same the journalists by attacking on them and breaking cameras at the premises of Lahore high court injuring two journalists. At Multan bar the lawyers did the same. The chief justice of Lahore High Court cancelled the license of

lawyers involved in the attack on media and asked them to remove their black coats and ties in the court room. But later, a four-member disciplinary committee of the Punjab Bar Council restored the licenses of four lawyers involved in thrashing a policeman and journalists in the court. The Lahore Bar Association office banned journalists in the bar and the ban still continues.

In the presence of powerful groups, religious militant groups and self censorship imposed by media houses themselves it is difficult to have freedom of expression in the country. The country where every thing is judged on the basis of religion (Islam) the people find difficulties to express their opinions freely. But, even, then the limited freedom of expression is not acceptable to authorities and the powerful groups. The intolerance is another factor in the limited scope of freedom of express which is so common that from minister to ordinary citizen do not want to except the others point of view and rather use threatening language against each other.

Corruption

In Pakistan, corruption remains a huge concern and a threat to human and overall development. Transparency International recently downgraded Pakistan to rank 143rd in the world in its Corruption Perceptions Index 2010.¹²⁴ In one survey, 18 percent of Pakistanis reported having paid a bribe in the past year.¹²⁵ The cost of corruption takes up more than Rs150 billion of Pakistan's development budget each year.¹²⁶ Altogether, the corruption total rose from Rs195 billion in 2009 to Rs223 billion in 2010.

Dr. Asad Sayeed of the Collective for Social Science Research in Karachi identifies three primary types of corruption: private sector-state collusion, in which private interests appropriate public resources; state actors' corruption; and institutionalized corruption.¹²⁷

The most salient of this form of corruption in Pakistan has been allocation of state land to private interests, as well as land transactions. The practice started immediately after partition, when millions of refugees came to Pakistani territory from post-partition India. The state adopted a policy of granting land and housing left behind by Hindus who migrated to India to refugees based on claims of property they left behind in India. The practice of land grabbing—both urban and rural—has continued in different ways over

124 "Corruptions Perceptions Index 2010," Transparency International, 2010.

125 "2009 Global Corruption Barometer," Transparency International, May 2009, pg. 8, 33.

126 "Global Corruption Report 2009: Corruption and the Private Sector," Transparency International, Cambridge: Cambridge University Press, 2009, pg. 281.

127 Asad Sayeed, "The nature of corruption and anti-corruption strategies in Pakistan," Collective for Social Science Research, 29 March 2010.

the years. Its modern manifestation is in different arms of the state using the Acquisition of Land Act in ways it was not intended so as to sell acquired land cheaply to mafia-like groups of land developers and builders, who subsequently sell it at a premium to prospective home dwellers or for commercial purposes.

Moreover land transactions are a typical way of whitening black money acquired through corruption and criminal activities. Due to taxation loopholes, more than two-thirds of the money paid in land or property taxation is unrecorded. Other forms of private sector-state interface that breed corruption have occurred due to state control over allocation of resources. In the pre-liberalization period, bribery in acquiring industrial and commercial licenses and later in willfully defaulting on loans acquired from state-owned banks and financial institutions frequently hit the headlines in Pakistan. The cost of this type of corruption has been borne by the consumer, in high prices paid for goods and services as a result of inefficiency and monopoly pricing. In the post-liberalization period, a lack of regulation on cartels—particularly in banking services, and the automobile, cement, fertilizer and sugar sectors—has also hit consumers hard.

At all levels, the private sector exerts considerable influence over government through corruption, which also thrives within the private sector and distorts markets with government complicity. In Pakistan, a majority of businessmen, more than 60 percent, report having been asked for bribes by government officials.¹²⁸ Those who report corporate transgressions and illegal activity, whistleblowers, are not protected by law.¹²⁹

Overall, the private-sector economic development of Pakistan has been substantially hindered by corruption. The cost of corruption is as high for the private sector as the public as a proportion of expenditures. Further, corruption allows for the creation and survival of monopolies and cartels, leading to severe market distortions that prohibit economic development. The Competition Commission established in October 2007 only represents a first step toward controlling the practices that are distorting Pakistan's markets and precluding competition, as corruption lies at the root of these issues and remains rampant.¹³⁰ More than two thirds of Pakistanis would be willing to pay more to buy from corruption-free companies.¹³¹

128 "Global Corruption Report 2009: Corruption and the Private Sector," Transparency International, Cambridge: Cambridge University Press, 2009, pg. 4.

129 "Global Corruption Report 2009: Corruption and the Private Sector," Transparency International, Cambridge: Cambridge University Press, 2009, pg. 95.

130 "Global Corruption Report 2009: Corruption and the Private Sector," Transparency International, Cambridge: Cambridge University Press, 2009, pg. 281-82.

131 "2009 Global Corruption Barometer," Transparency International, May 2009, pg. 16.

State personnel across different institutions of the state engage in various forms of corrupt practices. These range from straightforward bribery and extortion of individuals and businesses to various forms of domestic and international kickbacks on procurement of materials and services. For the sake of clarity we will distinguish state-led corruption by civil bureaucrats, the armed forces and politicians. These state officials and civil servants have been consistently perceived as the most corrupt element in Pakistan.¹³² The state does little to root out these elements of corruption. More than half of Pakistanis report that they consider the current governments actions to fight corruption to be “ineffective.”¹³³ Moreover, seven in ten respondents in Pakistan say that they believe. In 2010, Pakistan’s government threatened to force the closure of Transparency International in-country because of its agreement to monitor the distribution and use of US aid.¹³⁴

Much of the bribery and extortion carried out by the state is executed through the civil bureaucracy. Ranging from petty bribes to the policeman or building authority clerk to major kickbacks on procurement, civil bureaucrats are the ‘deal executors? They are in the loop for the simple reason that they carry out the documentation and are most familiar with rules and regulations, as well as the loopholes and lacunae that exist. However, apart from the petty bribes and extortion, for the most part the civil bureaucrat is not the sole claimant of big-ticket corruption. Over the years, the civil bureaucracy in Pakistan has lost its clout and political power to the executive and legislature, whether military or civilian.

The central protagonists in state-led corruption are the military and politicians. Arguably, civilian politicians are more accountable than the military for three reasons. First, the logic of electoral democracy itself holds politicians accountable for their misdeeds and lack of delivery to the electorate. Although this proposition may be contested in the case of Pakistan, where politicians with tainted reputations are re-elected time and again, the fact that electoral democracy has not had a fair run—in the sense that an incumbent government has not yet gone back to the electorate after completion of its term and been subjected to a largely fair election process—means that this contention has not been put to a robust test. Second, audit and accountability laws apply to politicians, which makes them relatively more susceptible to legal provisions than their uniformed counterparts. Third, their conduct is more in the public eye because of their greater interface with the public as well as the media.

132 “2009 Global Corruption Barometer,” Transparency International, May 2009, pg. 6; “Corruptions Perceptions Index 2010,” Transparency International, 2010.

133 “2009 Global Corruption Barometer,” Transparency International, May 2009, pg. 33.

134 Tom Wright, “Graft Fighter Alleges Pakistan Threat,” WSJ, 29 November 2010, http://online.wsj.com/article/SB10001424052748704584804575644190159232132.html?mod=googlenews_wsj.

The military, on the other hand, is powerful enough to evade public accountability. The military's budget in Pakistan is neither presented in detail to parliament nor have public representatives so far been able to debate it. Moreover, civilian audit authorities do not audit the military budget, and to top it all, serving military personnel have been exempted from investigation by civilian anti-corruption watchdogs by law. Also, because of the very nature of the civilian-military imbalance in Pakistan, demanding accountability in military scandals is a much more hazardous proposition for an otherwise free media than it is from civilian politicians.

Finally, there are a number of areas in Pakistan in which corruption is institutionalized as part of law and governance. As mentioned earlier, enough tax and legal lacunae exist through which black money can be laundered. The most salient in this regard is the "no questions asked" private remittance in foreign exchange. According to law, an individual can get as much foreign exchange into the country tax-free as they wish without being questioned over the source of funds. This is the most-used conduit for laundering money obtained through land transactions, tax evasion, and criminal activity. In addition, the state periodically provides a window through which to "whiten" black money at a nominal rate of taxation by announcing a "whitening" scheme where black money can be declared at a minimal rate of taxation that is lower than for those who earn legitimate taxable income (last time, December 2008, the rate was two per cent). That the state provides this facility every few years creates an incentive to accumulate black money rather than pose any threat of penalization.

The other form of institutionalized corruption is land grants given to military personnel. Officers of the armed forces are entitled to residential, commercial and agricultural land at highly subsidized prices. In the case of residential land, numerous societies developed by the armed forces dot Pakistan's urban landscape where infrastructure is developed (largely at state expense) and land is allotted to military personnel at subsidized rates, who in turn can sell it at the market rate and extract a hefty premium. Similarly, developed agricultural land is provided at subsidized rates and in some cases army personnel are deputed to tend the land at state expense. (See *Military Inc: Inside Pakistan's Military Economy* by Ayesha Siddiqua, Oxford University Press, 2007, for details on land allotment to military personnel as well as the process through which it takes place.)

Another feature of institutionalized corruption in Pakistan is located in the country's security and foreign policy. For the last three decades, the Pakistani state has been involved in a number of major covert operations as part of its foreign and security policy. Perhaps the most elaborate has been the country's nuclear program. The confession of Dr. A.Q. Khan—one of the main protagonists in Pakistan's nuclear program—in 2004 that he supplied contraband material to other countries in return for cash may be the tip of the iceberg so far as money laundering and clandestine activity for this purpose

is concerned. In the formative phase of the program, material and equipment were purchased illegally from the international market. This process would have involved a large number of state and non-state actors laundering state money.

The other major element has been covert warfare conducted in Afghanistan and Kashmir. A large chunk of state resources was diverted to conduct the entire war effort through non-state actors (including training, provision of arms and ammunition as well as logistic support). Much of this money would have made its way back to Pakistan through re-laundering and into land, real estate and other 'legal' activities as well as criminal ones.

The most important implication of institutionalized corruption is that powerful actors—whether state or non-state—cannot be investigated and prosecuted under anti-corruption laws if the entrepreneurial class (in the case of big business) and state personnel (in the case of covert policy operations) have the imperative to protect important state and economic interests against these laws. There are three broad analytical areas where the prevalence of corruption needs to be understood in Pakistan. This particular categorization will also help us in assessing the effectiveness or otherwise of anti-corruption mechanisms adopted in the country.

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