



General Assembly Security Council

Distr.
GENERAL

A/45/222 ✓
S/21255
18 April 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 92, 94, 100, 103, 104, 109
and 112 of the preliminary list*
EFFECTIVE IMPLEMENTATION OF
UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION
ON THE RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL
JUSTICE
ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
ELIMINATION OF ALL FORMS OF
RELIGIOUS INTOLERANCE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

SECURITY COUNCIL
Forty-fifth year

Letter dated 18 April 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Pakistan. I have underlined passages of special relevance (see annex).

* A/45/50.

199.

A/45/222
S/21255
English
Page 2

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104, 109 and 112 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

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ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign
Relations of the House of Representatives and the Senate respectively

U.S. GOVERNMENT PRINTING OFFICE

24-900

WASHINGTON : 1990

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, DC 20402

* Underlining has been added by the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations.

PAKISTAN

The political landscape in Pakistan changed drastically in 1988 with the death of President Zia and the orderly transition to representative government under Prime Minister Benazir Bhutto, whose Pakistan Peoples Party (PPP) won a plurality in the 1988 National Assembly elections, considered by many observers the fairest and most orderly in the nation's history. Pakistan's efforts to develop democratic institutions have been hampered by differing interpretations of constitutional authority and responsibility, both within the Federal Government and between the federal and provincial governments, as well as by intense competition between the government party and a strong opposition alliance. During 1989 the crucial constitutional question under debate on the federal level involved a disagreement over the powers of the President and Prime Minister, caused in part by the previous government's changes in the Constitution. The military has continued to speak out in support of Pakistan's emerging democracy.

The relationship between the Federal Government and the provincial governments of Punjab and Balochistan, whose provincial assemblies are controlled by opposition parties, adds a further complication. Political acrimony has brought to a virtual halt progress on implementing needed social welfare and economic reform programs in these provinces. It has also encouraged ethnic tensions and weakened both law and order and orderly administration, with a negative impact on the human rights situation.

Responsibility for internal security rests primarily with the police, although the army is called upon on occasion to restore order during civil disturbances. Paramilitary forces also operate in frontier areas and help maintain law and order. Police forces are under provincial control.

The public sector share in Pakistani industry has diminished in recent years, and by 1988 private sector investment accounted for 83 percent of total investment in the manufacturing sector. In December 1988, Pakistan adopted a 3-year structural adjustment program with the International Monetary Fund (IMF) which may help Pakistan reduce its deficit and commit more resources for social development programs, although it also imposes rigorous austerity measures, such as price rises for electricity and gas.

The Bhutto Government has made progress in some aspects of human rights, although problem areas remain. The review of martial law cases and the release of political prisoners has been largely completed. Most travel restrictions have been lifted, and Pakistanis no longer need government permission to travel abroad. The appointment of a substantial number of former human rights activists to high-level government positions has invigorated debate and focused attention on some human rights issues and human rights groups report they have greater access to officials and to the media than before.

In other areas, however, human rights abuses continued. Kidnapings and random violence continued in the southern province of Sindh and the tribal areas in the northwest. Government forces at times violated individual rights and used excessive force in efforts to combat banditry and reestablish law and order. There were repeated incidents of ethnic violence, especially in Karachi and Hyderabad. Widespread

PAKISTAN

police abuse of prisoners and the failure of authorities to bring to trial and punish personnel who commit such abuses remained a significant problem. Arbitrary arrest and detention of prisoners were also issues of concern. Religious minorities such as Ahmadis, Christians, and Hindus still faced discrimination and were the objects of harassment, and both social and legal constraints continued to place women in a subordinate position in society. Significant restraints also remained on worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There was no evidence of government or government-instigated political killings, but extrajudicial killings, usually from physical abuse of prisoners and detainees by police, continued largely unchecked and unpunished (see Section 1.c.).

Ethnic clashes have continued to result in one form of political killing. Violence between rival ethnic political parties and organizations, especially in Sindh province, was a growing concern as frequent outbreaks of violence between Sindhi, Mohajir, Punjabi, and Pakhtun groups left scores dead. Armed clashes between the student wings of rival political and ethnic groups led to deaths on several occasions. Because of the random and often spontaneous nature of these incidents, and the political connections of many of the perpetrators, authorities have had little success in preventing this type of violence, and the perpetrators have largely gone unpunished.

b. Disappearance

There were no reports of government-instigated disappearances. Kidnapings by highwaymen of prominent persons occur regularly in rural Sindh, usually for ransom. Incidents of kidnaping for ransom have also occurred in urban Sindh, and recently increased in the city of Karachi. Most of the victims were eventually released unharmed.

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

Police beatings and torture of arrestees are common; in its 1989 Report, covering 1988, Amnesty International (AI) noted that at least 19 prisoners were reported to have died in custody as a result of torture. Beating, whipping the soles of the feet with rubber whips, sexual assault, and prolonged isolation are said to be common occurrences in Pakistani jails. When deaths have occurred, allegations of suicide are used by police to cover up evidence of torture. There have been persistent and credible allegations in the press and from other observers that some ethnic and political parties have tortured political opponents, and, in some cases, used torture to enforce party discipline among their own members. The groups alleged to have used torture have publicly denied such allegations, and have claimed that the charges are politically motivated.

The Government (whether Federal or provincial) rarely holds police accountable for abuses. Police and jailers use "third

PAKISTAN

degree" methods to obtain information and confessions and frequently employ the threat of abuse to extort money from prisoners and their families. In August a young man in Lahore died in detention, allegedly after being tortured by police. The press has also reported several instances of the deaths of prisoners under police detention in Karachi. A recent survey alleged that 43 percent of the women imprisoned in the Multan jail reported being sexually abused by prison authorities. The federal Ministry of Interior in 1989 established an office to monitor instances of arbitrary arrest, brutality, and extortion within the police forces; by year's end, the office had been established, and, according to the Ministry of Interior, had accepted and begun to investigate dozens of cases.

The Hadood Ordinances, promulgated in 1979, apply to Muslims and non-Muslims alike but appear to weigh most heavily on women and carry harsh punishment for actions deemed contrary to Islamic law. Extended imprisonment is the most common punishment. Two-thirds of the 99 women held in Karachi central jail in August 1989 were imprisoned under these ordinances. Some 60 poor women, many with minor children, were held in Lahore's Kot Lakhpat prison for alleged violation of the Ordinances. In June the Sindh high court stayed the executions by stoning of six people convicted under the Ordinances. The federal Shari'a (Islamic) Court accepted an appeal by two teachers convicted of adultery and sentenced to death by stoning. No punishments involving stoning, flogging, or amputation have been carried out under the Ordinances, but these laws remain in effect. Frequently, under the Ordinances, women who complain of rape find themselves arrested on charges of adultery.

Among the three classes of prison facilities that exist, Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, are the worst. They usually have dirt floors, no furnishings, and poor quality food, and the use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better, with the latter reserved for "prominent" persons. Although increased attention is being focused on improving the worst jail conditions, there has been little real progress.

d. Arbitrary Arrest, Detention, or Exile

Pakistani law permits detention of persons suspected of threatening public order and safety for 30 days under court order. Such court orders are renewable for 30 days at a time, up to a total of 90 days, if the Government can demonstrate that the detainee does in fact threaten public safety. According to the law, detainees must be informed expeditiously of the reason for their detention. Most detainees are released fairly quickly, but only after the situation which prompted the preventive detention has passed. In September the Government promulgated an ordinance which denies bail to those arrested for terrorist activities if sufficient grounds exist to believe the accused is guilty of the crime.

Former detainees claim that prisoners under preventive detention frequently are held incommunicado. In July federal authorities detained former provincial chief minister and opposition figure Fazle Haq without charge. His continued detention has led to charges of official harassment of

PAKISTAN

political opponents. At the same time, Punjab authorities arrested a pro-PPP activist for allegedly having delivered an inflammatory speech in January. He has been released on bail. The federal and particularly the Punjab authorities have harassed their political opponents by filing criminal charges of dubious credibility against them, obliging them to seek bail.

There have been repeated allegations of arbitrary arrests during attempts to quell communal violence. The majority of persons detained in such operations are released in a matter of hours or 1 or 2 days.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The civil judicial system, modeled after the British system, provides for an open trial, cross-examination, representation by an attorney, and appeal of sentences. The court will appoint an attorney for indigents in capital cases.

The pace of justice is slow due to the limited number of judges, the heavy backlog of cases, and outdated court procedures. The political impasse between the Federal and Punjab Governments has blocked appointment of judges in that province to succeed those who have retired or died. Over a quarter of the seats on the Lahore High Court are vacant, while scores of positions in the lower magistracy remain unfilled. These vacancies inevitably further delay the judicial process. Karachi human rights activists believe there are dozens of people awaiting prosecution in Sindh jails who have been held for periods longer than the sentence they would receive if convicted. Prison authorities allowed greater access to legal counsel to see prisoners and clients during 1989.

The special Shari'a (Islamic) courts operate in a manner similar to ordinary civilian courts. They try offenses relating to the enforcement of the Hudood Ordinances and also rule on whether laws are offensive to Islam. Cases referred to the Shari'a courts are heard jointly by Islamic scholars and judges from the civilian court system who usually employ ordinary criminal procedures. Both judges and attorneys must be Muslim and be familiar with Islamic law, although non-Muslims have been brought before the Shari'a courts. Defendants in the Shari'a courts are entitled to bail and lawyers of their choice.

Before martial law was lifted in 1985, the Parliament passed the Eighth Amendment to the Constitution which withdrew from the civilian judiciary the right to review the actions of martial law authorities and courts. Under the Eighth Amendment, only those sentenced to death by martial law courts may petition to have their cases reviewed by the President; all others must appeal to a provincial governor. In 1988 the Supreme Court allowed limited categories of people convicted under martial law courts to apply for review of their cases. Estimates of martial law prisoners still in detention vary from 15 to 200. Currently, martial law prisoners or their representatives have two avenues for review. The first avenue is to apply to have their cases considered by a special office in the President's Secretariat. The second avenue is to have their original cases reviewed by the ordinary civilian courts. The constitutionality of the procedures under which

PAKISTAN

the Eighth Amendment was passed is currently being adjudicated before the Sindh and Balochistan High Courts.

In 1987 the Government established special courts to provide speedy trials in cases involving "offenses sensational in character or shocking to public morality, creating panic, or an atmosphere of fear and anxiety among the public." Cases involving bomb blasts, sabotage, highway robberies, banditry, or kidnaping can be expedited through these courts, and the Government may transfer cases from any other court to a special court.

Critics, including many lawyers, have expressed several concerns about the special courts. First, the accused is hampered from preparing an adequate defense and calling witnesses because of the short time allocated before the trial (usually a matter of a few days). Second, they believe that the judges in these courts are predisposed to find defendants guilty, given the high political profile of the proceedings. Third, the decision to refer a case to this system is an arbitrary one, made by the senior levels of the provincial government. The criteria for deciding which cases can be tried under these courts is broad enough to enable provincial authorities to abuse the system. Government officials argue that the courts are necessary to circumvent the judicial backlog; that all requirements of the rules of evidence still apply, including the right to counsel; and that the judges must meet the same standard as those appointed to a high court. They note that decisions may be appealed to the Supreme Court.

In September the Lahore High Court ruled that the speedy trial courts were illegal and closed them in Punjab province on the grounds that the original 1987 act had expired in early 1989 and that the provincial government had failed to extend it. Speedy trial courts continue to exist and operate in the Sindh.

Appeals of the 1986 death sentences against four Ahmadi defendants, whose convictions in 1985 by martial law courts in two separate murder cases raised serious human rights questions, are still pending. The death sentences themselves, however, have been commuted to life imprisonment as a result of the amnesty measures taken by the Bhutto Government in December 1988.

In December 1988 and January 1989, the new Government announced a major prisoner release program for martial law and political prisoners. Although thousands benefited from the program, some groups criticized the Government's review procedures which allegedly freed a number of hardened criminals but left members of opposition parties and members of minority religious groups behind bars. Estimates vary on the number of political prisoners who remain in custody.

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

Decisions about occupation, education, place of residence, and family size are made without official interference. Although police are required by law to obtain a warrant before entering a private home, authorities frequently ignore such legal requirements. During bandit sweeps and riots, police often chase suspects into homes without pausing to ensure the presence of a magistrate as required by law. There have been repeated allegations of incidents involving the use of

PAKISTAN

excessive force in Sindh during attempts to quell ethnic violence. There are frequent charges that women throughout the country have been harassed and raped and their belongings stolen by individual officers. Although press and public attention to such incidents has increased, the Government has been slow to respond to or investigate such charges and to deal with problems of police indiscipline. Extortion and robbery by policemen are believed to be common.

Pakistan maintains several domestic intelligence services which monitor political activists, suspected terrorists, and suspected foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians and that their mail is occasionally intercepted and opened, and they are frequently under surveillance. Civil and military officials are instructed to report their contacts with foreign diplomats.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Persistent ethnic divisions in the province of Sindh have led to incidents of communal violence in which persons belonging to one ethnic group have been killed in indiscriminate attacks by rival groups. There have been repeated allegations, which are difficult to verify, that law enforcement agencies have caused the deaths of innocent persons while attempting to bring communal violence under control or while standing by and refusing to intervene.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government-owned press trust controls four of the larger newspapers. The Government has yet to act on its campaign promise to disband the press trust, but has announced the establishment of separate management boards to run each of its publications. In addition, one of the two wire services is under the control of the Ministry of Information. Other newspapers are privately owned and their circulation far exceeds that of the government-owned papers.

The government newspapers and wire services are circumspect in their coverage of the news. Early in the year, there was an increase in coverage of the opposition in the official media, but that trend has fallen off in recent months, and the government-controlled media have again been restricting and distorting opposition news. Laws against bringing Islam or the armed forces into discredit or ridicule remain in force; reporters and editors exercise self-censorship in these areas. Continuing a trend begun in 1985, there is relatively free discussion of government policies and criticism of the Government, especially in the privately owned newspapers. Besides more or less unfettered reporting of statements made by legislators, the private press routinely reports remarks critical of the Government made by opposition politicians. The Government has suspended advertisements, an important source of revenue, in Markaz and in the Observer, newspapers often critical of the PPP. The Observer's editor was charged in July with violating the Official Secrets Act (a law left over from the British colonial era) in his book on Pakistan's nuclear program. Although the Government has denied that the

PAKISTAN

arrest was related to the newspaper's policies, most papers carried editorials condemning the action as giving the appearance of restricting freedom of the press. Members of the Council of Pakistan Newspaper Editors believe the action was a result of the Observer's constant criticism of government policies. Although government officials are no longer calling editors to demand the inclusion or exclusion of particular stories, they are still giving editors "advice" on certain stories, which is generally followed.

The Government was also criticized in August for advising the press that any reporting on cabinet meetings other than the official report provided by the Government would be evaluated in the light of the Official Secrets Act. At the same time, the Prime Minister reminded the media of Article 6 of the 1973 Constitution which provides for the death penalty for those who damage the Constitution by any act, including publication of statements against the spirit of the Constitution. This apparently has stopped the publication of statements against the Constitution.

The actions of some political and religious pressure groups pose another danger to press freedom in Pakistan. In early 1989, the office of the daily Markaz was burned, allegedly by political party workers. Also, a political party in Sindh called a 1-day boycott of the largest circulation daily newspaper in Karachi. During the boycott, people were forcibly prevented from purchasing the paper, and its journalists and editors were threatened.

A restrictive Press and Publication ordinance, promulgated in 1963, was repealed in September 1988. Although the ordinance had not been used in the past few years, it was widely viewed by the press as being arbitrary and giving the Government sweeping powers over the press. It was replaced by a Printing Press and Publications ordinance which requires the registration of printing presses and newspapers and which also allows the Government to confiscate newspapers or magazines deemed objectionable. In a departure from past practice, the new law allows newspapers to appeal to the civil courts and allows individuals to start issuing new publications without approval if the Government fails to act on their application within 4 months.

The National Assembly enacted a new press act in 1989 which allows journalists access to all federal and provincial government files, except "highly sensitive defense files." Under this act publication permits are still required but can be obtained at the local level.

Academic freedom is generally recognized by government and university authorities, but almost all institutions of higher learning are state run, and authorities have extensive powers to restrict the actions of individuals and groups regarded as troublesome. Another threat to academic freedom is the atmosphere of violence and intolerance among student organizations, frequently with connections to the major political parties. At many universities, well-armed groups of students of varying political persuasions clash frequently and are successful in intimidating other students, instructors, and administrators on matters of language, syllabus, examination policies, doctrine, and dress.

Student unions were legalized again in early 1989 by Prime Minister Bhutto and held elections in the Punjab in the

PAKISTAN

spring; student groups in other provinces are planning elections.

Literary and creative works remain generally free of censorship, but authors and publishers tend to avoid controversial and political themes. Obscene literature, a category which is broadly interpreted by the Government, is subject to seizure. Authorities have frequently banned or confiscated books and magazines dealing with sensitive political topics. The Government in 1988 banned "The Satanic Verses" by Salman Rushdie, a book which raised the ire of Muslims worldwide. In August the Government arrested, and later released, the author of a book on the development of Pakistan's nuclear program, and the book has been banned in two provinces. In speeches throughout the country, senior officials reiterated the Government's intention to prosecute anyone violating the Official Secrets Act. Dramas and documentaries on once taboo subjects, such as narcotics and female inequality, are now shown frequently on Pakistani television.

b. Freedom of Peaceful Assembly and Association

The Government continued to respect the right of peaceful assembly in most cases, although district magistrates exercised their power to ban meetings of more than four people whenever violent demonstrations seemed in the offing. Political leaders of all persuasions were usually able to travel freely and address large rallies, often emphasizing antigovernment themes. In February a demonstration in Islamabad against "The Satanic Verses," sponsored by a coalition of religious parties, turned violent. Seven people were killed and the American Center was attacked. The opposition coalition of parties, Islami Jamhuri Ittihad (IJI), held large rallies in Islamabad and Peshawar in August. Despite these examples, regulations preventing demonstrations are regularly invoked in Sindh Province during times of ethnic tension. The Sindh National Alliance was prohibited from holding a rally at the Provincial Assembly and the Mohajir Qaumi Movement (MQM) was prevented from demonstrating at the Chief Minister's house. To forestall potential violence between religious groups, the authorities prevented clergymen from traveling to certain areas during the religious month of Muharram. Afghan refugees were prevented from attending a large memorial service held in Islamabad on the anniversary of President Zia's death.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Pakistan is an Islamic republic with a population that is 97 percent Muslim. Its 1973 Constitution requires all law to be consistent with Islamic ideology. Under the Constitution, the President and Prime Minister must be Muslims. However, designated minority religious groups--for example, Ahmadis, Christians, and Parsis--have held high office and are represented in the economic, political, and social life of the country. The PPP Government has appointed several Ahmadis to high government posts. These minorities are not permitted to vote in Muslim constituencies, but rather must seek office and cast their ballots in at-large constituencies reserved for them in the national and provincial assemblies, an arrangement widely criticized by minority and human rights groups.

PAKISTAN

(Ahmadis, disputing their minority status and their designation as non-Muslims, have refused to exercise these electoral options.) Although by law Hadood Ordinances are applicable only to Muslims, minorities, especially Christians and Hindus, complain that the Hadood Ordinances are also applied to non-Muslims, making family matters, such as divorce, more difficult.

Generally, minorities can practice their own religion openly, maintain links with their coreligionists in other countries, and travel for religious purposes. Foreign clergy may enter the country to serve congregations. Conversions are permitted, but the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban. In November nine Ahmadi doctors were arrested and charged with proselytizing while providing health care services.

The Ahmadi sect, which considers itself Muslim despite theological divergences from mainstream Islam, has historically been the object of popular prejudice and discrimination. Anti-Ahmadi riots in 1953 helped spark the imposition of Pakistan's first period of martial law. Following another outbreak of violence, in 1974 Prime Minister Zulfikar Ali Bhutto, with the support of all political parties, sponsored a constitutional amendment declaring the Ahmadis a non-Muslim minority. In 1984 the Government issued an ordinance which restricts the practice of the Ahmadi religion and bans the Ahmadis from using Muslim terminology or proselytizing. Violators are subject to prosecution. In 1986 Parliament passed legislation, apparently aimed at Ahmadis, making blaspheming the Prophet Muhammad a capital offense.

Many members of the Ahmadi sect were detained for displaying the Kalima, the Islamic profession of faith, and other Koranic verses. Most were released, but several were tried, convicted, and received prison sentences. Police removed the profession of faith from Ahmadi places of worship, which cannot be called mosques under Pakistani law. Several places of worship have been closed down. In March the Government forbade public celebration of the Ahmadis' 100th anniversary. Ahmadis charge that fundamentalist Muslim leaders have been effective in keeping Ahmadis in a position of second-class citizens. In April, during anti-Ahmadi riots in Nankana Sahib in Punjab, 15 Ahmadis were injured, and 50 houses and 3 places of worship were burned. In July Ahmadi-Orthodox tension turned violent in Chak Sikander in Punjab, leaving 4 dead, including 3 Ahmadis, and dozens of homes destroyed. Police occupied the village to maintain order, and some Ahmadis have been prevented from returning to their residences since the initial incident. A Pakistani human rights group investigated both incidents and concluded that local authorities failed to protect Ahmadi citizens and that the Punjab provincial government failed to investigate or take action against those authorities. To date, there still have been no official inquiries into the incidents. The Ahmadis were prohibited from holding their centenary celebration in April in Punjab Province, and there are credible reports of discrimination which limits the promotion possibilities for Ahmadis in the military and civil service. There have been reports of the forced conversion of female members of the Ahmadi sect. The major Ahmadi newspaper, banned for 3 years, resumed publication in March. In December the entire population of Rabwah, the Ahmadis' headquarters city, was charged in a complaint lodged with police with having violated Ordinance 20.

PAKISTAN

This law establishes as criminal certain acts of the Muslim faith when performed by Ahmadis, including the declaration of faith. By the end of the year, 16 prominent Ahmadis had been arrested and incarcerated on such charges.

Christians have had difficulty in getting permission to build new churches, although the Government reached a compromise in August with a congregation in Islamabad whose church construction had been halted for several years. Members of the Christian community complain that there are barriers to Christians rising to high positions in public service, public corporations, universities, and the military. Many Christians fill low-level jobs, such as in sanitation work and in similar municipal services. Some Christians work as bonded laborers in the brick kiln industry.

Hindus complain of continued kidnapings and forced conversions of young women, confiscation of Hindu shrines and temples, disruption of prayer services, and the burning of Hindu texts, as well as the torture of detained Hindus. In June a Hindu doctor was killed in Larkana, and four Hindus were murdered in rural Sindh while worshipping at a Hindu temple. No arrest has been made in the case of the killing of the doctor. One person was arrested and detained for 1 month before being released on bail in the case of the temple murders. At year's end the case had not yet come to trial.

Some observers believe the Government's reticence in looking into incidents involving discrimination against minorities is a reflection of its fear of offending fundamentalist Muslims who wield substantial influence over their coreligionists.

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

Pakistanis generally have freedom of movement within the country. Previous governments banned individual political leaders from traveling to certain provinces for a specified time through use of an "externment" notice. The only externment notice issued in 1989 by a provincial government prevented some Shi'a and Sunni clergy from entering certain areas during the Islamic holy month of Muharram; it was quickly rescinded.

Pakistanis are generally free to travel abroad. Travel to Israel, which is not recognized by the Pakistan Government, is legally prohibited, but Pakistanis nevertheless succeed in traveling to Jerusalem for religious reasons. There are various restrictions on travel to the Soviet Union, India, South Africa, Taiwan, and Eastern Europe.

All government employees are required to have "no-objection" certificates before traveling abroad. Students are also required to have "no-objection" certificates from their institutions. The Government announced that the exit control list, previously used to control foreign travel more broadly, now contains only the names of serious criminals, such as drug traffickers. However, the list remains a tool available to the Government to limit foreign travel.

Over 3 million Afghans have fled to Pakistan as a result of the Soviet invasion of Afghanistan and the current civil war. The Government administers and supports some 340 Afghan refugee camps at significant cost. The movement and employment of Afghans in Pakistan has generally not been

PAKISTAN

restricted, and many Afghans reside outside the refugee camps. With the signing of the Geneva accords in April 1988 and the Soviet troop withdrawal in February 1989, the Government and U.N. agencies have begun preparing for the refugees' return. The Government, however, has maintained its policy of not pressing refugees to go home before conditions in Afghanistan are secure.

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

The elections in November 1988 resulted in neither the PPP nor the Islamic Democratic Alliance attaining an absolute majority of seats in the National Assembly. President Ghulam Ishaq Khan on December 1, 1988 asked PPP leader Benazir Bhutto, as leader of the party most likely to receive a vote of confidence, to form a government. Under the Constitution of 1985, the President continues to hold the power, in consultation with the Prime Minister, to dismiss the Parliament and to act as Commander in Chief.

All Pakistanis aged 21 and over have the right to vote by secret ballot in elections. Local governments and the provincial and national assemblies are directly elected. The Senate, however, is elected by the four provincial assemblies. The President is also indirectly elected by an electoral college consisting of the national and provincial assemblies and the Senate.

According to the Constitution, the national and provincial assemblies serve terms of no more than 5 years, unless earlier dissolved. The President is to be elected every 5 years, while senators are elected for 6-year terms. Local by-elections were held for provincial and National Assembly seats in several constituencies throughout 1989. Although there were credible reports of vote-rigging in some areas, most observers report the elections proceeded without major interference.

Political parties have been allowed to operate since the lifting of martial law in 1985-1986. In 1988 the Supreme Court struck down a law banning unregistered political parties from participating in elections and upheld the use of symbols by political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations operate free of official harassment and their reports receive extensive coverage in the press. Pakistan has allowed visits by persons affiliated with various human rights organizations. In 1989 an AI delegation met with government officials, including the President and Prime Minister. In 1989 several new human rights and legal aid groups were formed and operated without government restriction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

With a female Prime Minister as head of government, increased attention has been given to the rights and status of women. A strong lobby of Islamic leaders, however, refuses to accept a woman leader and continues to stress a conservative

PAKISTAN

interpretation of Islamic injunctions to justify discrimination against women. It is accepted practice to assign women a subordinate role in terms of civil, political, and individual rights.

Many Pakistanis interpret the Koran's injunctions on modesty to mean that women should remain either at home or behind the veil. In rural areas, although women of small farmer families generally work alongside men in the fields, their status remains subordinate to men, and they suffer discrimination in education, employment, and legal rights. Women are often discouraged from voting in elections by family, religious, or social custom in the rural and more conservative parts of Pakistan. In some of these areas, women are discouraged from voting by authorities who do not provide separate voting facilities for women who observe purdah restrictions; these women are unwilling to unveil themselves to male poll officials who seek to confirm their identity. Despite clear injunctions in the Koran and the civil laws that guarantee the right of women to inherit, in practice, for a number of reasons, women generally do not receive their due share in family inheritance.

These attitudes have contributed to a very low adult female literacy rate, estimated, for example, to be only 4 percent among rural women. The primary school enrollment ratio in 1983 was only 33 percent for girls as compared to 64 percent for boys, although the figure for each is rising.

A small number of urban women study and teach in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. Women may now participate in international athletic competition, a change which took place only in 1989.

In February the National Assembly allowed the 1988 Shari'a Ordinance, which set up committees to ensure Islamization in education and the economy, to lapse, but a new Shari'a bill was introduced in the Senate. In July the federal Shari'a Court upheld the distinction under the Haddood Ordinances between evidence presented in court by a man and that presented by a woman. The court ruled that only men can testify as witnesses in certain cases; in other cases only women's evidence is acceptable. In certain cases the testimony of two women is required to equal that of one man.

There has been an upsurge in press reporting and public concern about the unresponsiveness or involvement of police in continuing incidents of abuse of women and rape. There has also been a disturbing increase in the number of reports of newly wed wives being burned to death in kitchen accidents. Many of these deaths are believed to be murders perpetrated by husbands dissatisfied with the size of their wives' dowries. Many women are also mutilated or killed by male relatives who suspect them of adultery. Few such cases are seriously investigated, and, owing to the value attached to privacy in this conservative society, the great majority of cases involving abuse within the family are never reported. There are no official statistics on the subject.

The courts have begun to address some of the more extreme violations of women's rights. In July the Lahore High Court, acknowledging offenses committed against women by provincial police, ordered registration of cases against police

PAKISTAN

responsible for abusing a 10-year-old girl in a local police station. The case has been registered but has not yet come to trial. The court also established procedures to protect the rights of female suspects who are in police custody

While several members of minorities are prominent in public life, reports of discrimination against minority groups in employment and education appear well founded. In the early years of Pakistan's history, minorities were able to rise to the senior ranks of the military and civil service. Today, most complain they are unable to rise above midlevel ranks. The perception of discrimination on ethnic and linguistic grounds is fundamental to the repeated ethnic conflicts in several areas over recent years and most notably in the province of Sindh during 1989. These were but the latest in a long series of conflicts between Sindhis and Mohajirs (Urdu-speaking immigrants from India). Non-Punjabis also resent what they see as domination of the bureaucracy, the police, and armed forces by the majority Punjabis. Officially designated as "non-Muslims," Ahmadis are subject to discrimination and occasional harassment and have limited chances for advancement in the public sector. Young Ahmadis and their parents complain of increasing difficulty in gaining admittance to good colleges. This problem is not unique to Ahmadis, but their resentment is strengthened by their conviction that they too are Muslims.

An aggravating element in all cases of discrimination is the continuing social stratification; socially prominent Pakistanis suffer less at the hands of officials than those less well-off, partly because of their ability to reciprocate favors, and partly because of the general deference still accorded social "betters" in Pakistani society. Although the original caste distinctions common to South Asian societies have no legally binding force, clan affiliations and ethnic identities, which in some ways parallel the old caste system, still help or hinder those seeking education, employment, justice, public services, and public office. Among most minorities, there is a conviction that the authorities, even if they do not persecute them, afford them less protection under the law than Muslim citizens.

Section 6 Worker Rights

a. The Right of Association

The right of industrial workers to form trade unions is protected by the Industrial Relations Ordinance but is subject to major restrictions in some employment areas. In practice, labor laws place significant constraints on the formation of unions and their ability to function effectively. In her first public statements after being named Prime Minister, Benazir Bhutto promised to remove all general bans on labor activity. However, little progress has been made in fulfilling this commitment.

The right of unions to strike in Pakistan is severely constrained by legally required conciliation proceedings and cooling-off periods, and especially by the Government's authority to ban any strike found to cause "serious hardship to the community" or prejudice to the national interest, or in any case after it has continued unresolved for 30 days. Strikes are rare; when they do occur, they are usually illegal and short. There are also periodic work slowdowns on the part of low-ranking government employees. There has been an

PAKISTAN

upsurge in the number of small-scale strikes on the part of doctors, nurses, and police inspectors. Police crackdowns on worker demonstrations are fairly common.

Strikes are banned by law in export promotion zones (EPZ), although this has had little impact, since EPZ development has been largely on paper to date.

At present, union members make up only about 6 percent of the industrial labor force and 3 percent of the total estimated work force. Trade unions of all political orientations are permitted, and the political leanings of labor leaders cover the entire spectrum from far left to right.

While most unions remain aloof from party politics, several have associated themselves with political parties. Since the PPP came to power in 1988, it has made a concerted effort through its labor wing, the People's Labor Bureau, to organize trade unions under its banner.

There are no official constraints on Pakistani labor federations' affiliations with international labor organizations, notably the International Confederation of Free Trade Unions and its Communist-controlled rival, the World Federation of Trade Unions.

Pakistan has been criticized for years by International Labor Organization (ILO) committees for its failure to abide by Convention 87 regarding freedom of association and Convention 98 on the Right to Organize and Collective Bargaining, both of which it has ratified. The charges, repeatedly raised by Pakistani trade unions, have focused on the limitations on union formation, strikes, and collective bargaining. No Pakistani government has yet made any serious movement towards changing any of the laws criticized in the ILO reports.

These issues were again reviewed by the ILO's Committee of Experts (COE) in 1989, along with the question of excessive government supervision of trade union funds and the question of worker rights in the export promotion zones. See also Section 6.c.

b. The Right to Organize and Bargain Collectively

Free formation of workers' associations and free election of representatives to act as collective bargaining agents are provided for by law. Current laws, however, place major limitations on the extent and effectiveness of such activities. Large sections of the labor force are excluded from the right to organize and bargain collectively under the Industrial Relations Ordinance. Union activity is prohibited for the 53 percent of Pakistan's labor force employed in agriculture. Under the Essential Services (Maintenance) Act of 1952 (ESA), normal union activities are severely restricted in sectors associated with "the administration of the State," covering a wide range of government services (e.g., education, medical) and state enterprises (e.g., oil and gas production, transport).

For each industry declared subject to the ESA (a finding which must be renewed every 6 months), a specific determination is made by the Government as to what constitutes the limits of union activity. In cases where collective bargaining has been barred, individual wage boards are established to decide wage levels. Disputes are adjudicated before the National

PAKISTAN

Industrial Relations Commission. A worker's right to quit can also be curtailed under this Act, and a fired worker has no recourse to the labor courts. However, collective bargaining and even strikes are known in some job areas covered by the act (e.g., the nationalized banks). The abolition of the ESA is a major demand of most unions.

The ILO's COE has advised the Government that a 1980 ordinance permitting it to exempt the export processing zones from the provisions of any law is inconsistent with the requirements of ILO Conventions 87 and 98. Export processing zones are not yet functioning, and it is difficult to judge how labor laws will be applied there.

c. Prohibition of Forced or Compulsory Labor

Forced labor is specifically prohibited by Pakistani law. There is no evidence that any form of slavery or bonded labor has received official sanction. However, critics argue that the ESA's limitation on some employees' right to leave their jobs constitutes a form of compulsory labor.

Cases of illegal bonded labor appear to be widespread, with a number of specific cases and the discovery of several forced labor camps reported in 1989. The worst cases tend to come to light only through sensational treatment in the press. Bonded labor is said to be particularly common in the brick, carpet, glass, and fishing industries and extends to agricultural and construction work in rural areas.

In the brick kiln industry, however, a workers' association in 1988 succeeded in bringing the plight of bonded brickmakers in the Punjab before the Supreme Court. In March 1989, the court issued a compromise ruling which reinforced prohibitions on forced labor and forcible collection of debts and limited pay advances to 1 week's wages, while upholding the legality of existing debts. The ruling was the first important gain for bonded workers and laid the groundwork for challenges to bonded labor in other industries. Resistance to the ruling is likely to be strong, however, and reports of violations continue to appear. Moreover, due to the lack of alternatives, many workers have returned to bonded labor.

In response to the publicity surrounding this case, the Government announced its intention to introduce a bill in the current session of the National Assembly to abolish bonded labor with a proposed penalty of 3 years in jail or a \$750 fine for offenders. Critics charge that the proposed legislation will be ineffective due to the inadequate penalties and the inability of authorities to enforce the law in the rural areas, where such practices are prevalent.

While it is not clear that the provision of the ESA limiting the rights of some employees to leave their jobs has been invoked, this and other questionable Pakistani legislation have been under the scrutiny of the ILO's COE for a number of years. A government representative informed the ILO's Committee on the Application of Conventions and Recommendations (CACR) in June 1989 that various provisions of Pakistani legislation deemed inconsistent with the requirements of ILO Conventions 29 and 105 on forced labor (both of which have been ratified by Pakistan) have been, or will be, amended. The representative denied the existence of illegal bonded labor in Pakistan. The CACR welcomed the progress being made with respect to legislation, but requested

PAKISTAN

more information and expressed "great concern" regarding the Security of Pakistan Act, which permits courts of law to impose sentences of prison labor for the expression of political views.

d. Minimum Age for Employment of Children

Child labor is limited by at least four separate statutes and Article II of the Constitution. These laws present a confusing picture, variously limiting employment in certain fields to those over 14 or 15, and, in one case, permitting factory work by children under 14 (in apparent contradiction of the Constitution) if a government doctor issues a certificate of fitness. None of these regulations is effectively enforced.

Despite legal limitations, child labor is common in Pakistan. While much of it is in the traditional framework of family farming or small business, the abusive employment of children in larger industries and government businesses is widespread. Although there are no reliable official statistics, unofficial surveys and occasional press features suggest that violations of existing laws are common. Unofficial estimates indicate that one-third of Pakistan's total labor force is made up of workers under age 18. The employment of children is occasionally linked with stories of bonded or forced labor and child prostitution.

e. Acceptable Conditions of Work

Labor regulations in Pakistan are governed by federal statutes applicable throughout the country. These provide for, or require the provincial governments to provide for, a legal minimum wage as well as certain worker protection and welfare services. The minimum wage, which for an unskilled worker is roughly \$25 per month, is not enough to support even a small family. The law provides for a maximum workweek of 54 hours and paid annual holiday and rest periods during the workday. These regulations apply, however, only to a small minority of the labor force; they specifically do not apply to agricultural workers (roughly one-half of Pakistan's work force), to workers in Pakistan's numerous small factories with fewer than 10 employees, and to the small contract groups of under 10 workers into which factory work forces are increasingly divided.

The enforcement of labor regulations is left to the provincial governments, all of which are largely ineffective in this area. The attention given to enforcement varies among the provinces in proportion to the significance of industrial labor. In all cases, limited resources, corruption, and inadequate regulatory structures hamper the effort.

In general, worker health and safety standards are poor and little is being done to improve them. Organized labor is occasionally able to press for improvements in this area, and some legal protections apply, although they are weakly enforced.