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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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FORWARDING NOTE

From: The General Secretariat

To: CIREA

Subject: Report of the EU Heads of Mission on the situation in Pakistan

The CFSP bodies have approved (silent procedure which expired on 22 April 1999), the transmission to CIREA of the annexed report, sought by CIREA, of the Heads of Mission of the Fifteen in Islamabad.

REPORT OF THE HEADS OF MISSION**I. General Political Situation****Recent Political Developments**

The Pakistan Muslim League Government led by Nawaz Sharif has been in power since 1997. It came to power in elections following the dissolution of the previous government by the president. Its period in power has been characterised by institutional change and the decision to undertake nuclear testing. The Government has removed the president's power to dismiss a non-performing government and has made it unconstitutional for members of the assemblies to change parties. It has also sought to limit the power of the judiciary and armed forces. Most recently, the Government has proposed a 15th amendment to the Constitution which would establish Shariah law as the supreme law of Pakistan and give the Prime Minister wide-ranging powers of interpretation. This has been held up as the Government has not yet been able to secure a two-thirds majority in the Senate.

Current actual situation in the country

Pakistan has been a federal parliamentary democracy since 1947, with interruptions of military rule, the last of which ended in 1988. It has a multi-party system which is dominated by two parties: the Pakistan Muslim League and the Pakistan People's Party.

The press in Pakistan is largely free although state-controlled television and radio is closely monitored. There are some incidents of press harassment by various groups and attempts at control by members of the Government. There is freedom of assembly but gatherings are strictly monitored by the police.

Religious freedom is protected by Pakistan's Constitution. However, non-muslims often find their ability to worship freely restricted in practice (particularly that of the Ahmadi community). The judiciary is largely free, although there have been attempts at political interference in the appointment of judges and there is a danger that judges become politicised. All law enforcement agencies and the security services are subject to frequent accusations of intimidatory surveillance, illegal detention sometimes for the purpose of extortion of money, and routine use of violence as a tool of interrogation. It is also normal practice to round up and ill-treat family members of suspects to force confessions. Cases are rarely based on forensic evidence and enormous reliance is placed on confessions. The security services are tasked to monitor and frustrate internal opposition, particularly groups deemed to undertake terrorist activities.

Security situation in the country

The country is largely peaceful. However, Karachi remains a violent city with gang-style violence between different social groups including the MQM. Punjab has an on-going pattern of sectarian violence between Sunni and Shia groups. The border with India is heavily militarised, especially in Kashmir. A state of emergency declared following the nuclear tests in May 1998 remains in place. This gives the Government greater freedom to use the Armed Forces in support of civil power and the possibility of taking over provincial administrations.

Prospects

The political situation is at present stable. There will be elections for half the Senate seats in March 2000. A general election is expected in 2001/02. Given the large PML majority in the National Assembly, it seems unlikely the Government will fall before the elections except through extra-parliamentary events such as civil unrest.

II. General Human Rights Situation

International Conventions

Pakistan is a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women. Pakistan is not yet fully compliant with the requirements of these conventions. Pakistan has not yet acceded to the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights and the Convention against Torture.

Actual Practice

People are exposed to torture during detention and interrogation. 21 convicted criminals were hanged in 1998 and more than 3,200 others are on death row (these include approximately 50 children under the age of 18).

Pakistan's total prison population is approximately 80,000 but only 14,000 are convicts. People can spend very long periods awaiting trial due to the over-burdened and inefficient state of the judicial system. There is 150% over-crowding in jails, and conditions are poor. Women face discrimination, particularly in relation to freedom of choice in marriage and under the Hudood Ordinance which governs punishments for adultery. Punishments under this ordinance, and other offences which are governed by Islamic law, include stoning and whipping.

Children's rights are also not fully protected with child labour continuing to be a problem which the Government is trying to tackle in conjunction with ILO.

Scrutiny by Human Rights Groups

International and national human rights groups are active in Pakistan. A Pakistani NGO, the Human Rights Commission of Pakistan publishes a comprehensive yearly review of the human rights situation in the country.

There are NGOs active in all areas of human rights work.

III. Persecution by the State

The persecution of religious minorities, particularly Ahmadis, Christians and Hindus is a problem in Pakistan.

Pakistan's search for an Islamic identity has served to exacerbate tensions between the majority and minority religious communities.

Pakistan's 1973 Constitution, while making clear that Islam is the established religion of Pakistan, recognises and guarantees the rights of minorities. Over time, a variety of new laws have been passed which further ensure the legal supremacy of Islam but which do not safeguard the rights of minorities. The Blasphemy law (Article 295 of the Pakistan Penal Code), as amended in 1986, states that a person found guilty of blasphemy shall be sentenced to death or life imprisonment. There is a great concern that these laws are being used and implemented, particularly at the local level, in such a way as to put minority communities at particular risk. The Penal Code has also been specifically amended to target Ahmadis and their beliefs.

Ahmadis are subject to discriminatory legislation under § 298 b and c of Pakistan Penal Code (PPC) which prohibits Ahmadis "from posing as a Muslim". This is despite the protection of religious freedom enshrined in the Constitution and official recognition of the Ahmadis as a minority group. This legislation has led over the last 15 years to more than a thousand cases on various charges of members of the Ahmadiyya community.

Moreover, in some cases trials under § 298 c PPC are likely to also be considered under the blasphemy laws (§ 295 PPC) which carries the death sentence. Three such cases have been registered in 1998. Cases often are initiated by Islamist groups such as Khatm-e-Nabuwwat, but there are also examples of charges being brought by personal enemies taking advantage of the legislation to settle scores with the accused. Prospects for a fair trial - at least in the sessions courts (local level) - of accused Ahmadis are not good. Judges, personally threatened by extremist religious groups sometimes resort to the device of prolonging trials indefinitely rather than acquit the accused. Ahmadis face discrimination in higher education and state employment. Ahmadis can still be found in high government positions but they progressed in a climate of greater religious tolerance than is presently found.

Christians, whose economic and social conditions are even worse than those of the better educated Ahmadis, also suffer under the blasphemy laws. An example is the case of Ayub Masih who was sentenced to death in April 1998. This trial was the first of its kind since 1994, when the Christian minority reached an agreement with the government that blasphemy charges would be brought only after a positive preliminary hearing by a judge. This regulation was meant to curb blasphemy charges put forward purely to settle private scores. This being precisely the point in the Masih case, the well-known Catholic Bishop Dr. John Joseph committed suicide in protest against this unjust death sentence. The comments made on the non-judicial discrimination against the Ahmadis hold also true for the Christians.

Members of the political opposition and of NGOs who work on certain subjects are subject to harassment. They are often under police surveillance or receive threatening telephone calls. There are also charges of police excesses (ranging from beatings or arbitrary detention to extra-judicial killings).

Ahmadis are also vulnerable to indirect persecution primarily by the radical Sunni group "Khatm-e-Nabuwwat" which claims to defend the "finality of Prophethood". Attacks against Ahmadis by members of this group, ranging from harassment to physical injury, frequently are not investigated by the authorities. In 1998, several Ahmadis were murdered by religious extremists. Ahmadis claim there is inadequate police protection even in cases where there is a clear threat.

IV. Possibility of Fleeing Within the State

There is the possibility of fleeing within the state. Often harassment, particularly of minorities, has the objective of forcing the individual or family to move. The exceptions to this are high-profile cases, where individuals may find themselves pursued or in danger from extremist religious groups wherever they go in Pakistan.

V. Movement of Nationals of the State

Most Pakistanis can leave their country freely for any destination except Israel. However, there is an "Exit Control List" containing names of people who cannot leave the country. The government of Nawaz Sharif has expanded this list by adding a large number of people (often members of opposition political groups), suspected or charged with corruption, or accused of terrorist activities. Members of government, civil servants, high ranking military officers and magistrates need permission to leave the country.

VI. Authenticity of Documents

Passports and Identity Documents

In studying visa applications, visa officers from EU countries have encountered many forged Pakistani passports, substituted photographs and pages in passports, false visas and endorsements and counterfeit Pakistani and US identity cards. When examining passports at the request of airport authorities, many passports and identity documents have been found to be forged. There is a lucrative market in Pakistan for all types of stolen blank passports or visas. Visa officers have been advised of, and have encountered, stolen British, Dutch, Moroccan, Italian, Belgian and Jordanian passports, and visas and residence permits of a similar number of nations. Many of the stolen or forged visas in Pakistani passports were carried by asylum seekers who arrived in the EU from Islamabad.

Those prevented by airlines from leaving Pakistan on forged documents are usually released by the authorities after paying a bribe and the forged documents are re-used. There is no evidence to counter the general view that document fraud is on the increase.

Other Documents

EU missions receive countless forged and falsified documents purporting to come from ministries, social security agencies, companies, banks, sponsors, courts and registry offices. As the pressure for Pakistani nationals to emigrate continues to increase so does the tide of forged documentation. In Pakistan, forgery is invariably of high quality. It is often made with sophisticated computer graphics. At the top end of the market, there is evidence of organised criminal involvement.

Facilitation Letters

Missions have recorded over time an unacceptably high number of cases where visa applicants backed by facilitation letters from the Ministry of Foreign Affairs, Pakistani politicians, or other prominent persons have resulted in asylum cases. In many cases the applicant is unrelated to the facilitator. These applications are often made at the last moment, accompanied by high level requests to facilitate, and frequently from several sources. This adds to the pressure on the visa section to differentiate the genuine from the spurious cases within an unreasonable short timeframe.

VII. Return to country of origin

EU missions in Islamabad are not aware of Pakistani nationals having been subjected to punishment or torture upon arrival in Pakistan as a result of having been rejected as asylum-seeker in third countries. They might, however, face questioning by the Federal Investigation Agency. Cases of FIA officials extorting money from rejected asylum seekers have been registered.

Pakistan at the moment hosts 1.2 m Afghan refugees who enjoy freedom of movement and, generally, treatment largely similar to that of Pakistani nationals. Pakistan is not a signatory to the Geneva Convention on the status of refugees of 1951 and has no proper bureaucratic set-up to deal with the refugee problem.

VIII. Economic and Social situation

In spite of considerable efforts to foster the industrialization of the country, Pakistan has remained a developing country dominated by the agricultural sector. This sector accounts for approximately 25% of GDP and employs half of the labour force. According to some estimates, the informal sector (mainly services) amounts up to 50% of GDP. Forecasts put the economic growth of the country for the current financial year at about 3.5 %, while population continues to increase by 2.4 to 2.6% each year. Official figures give an unemployment rate of 5 % while estimates put it at up to 25%. It must be assumed that wide-spread underemployment exists both in the informal service sector and in the rural areas. Yearly per capita income was estimated at 460 US\$ in 1998. The difficult financial situation of the country (total external debt amounts to 33 billion US\$) was exacerbated by the G7 decision to stop all non-humanitarian assistance after the nuclear tests carried out on the 28th of May, 1998. After long and difficult negotiations, Pakistan was finally granted a new credit agreement by the IMF and the World-Bank in January, 1999. Pakistan's dependence on the international finance institutions and the international creditors' willingness to reschedule existing debt will not decrease in the short and medium term.