

received to demonstrate any serious effort on the part of the government to reform the police or judicial systems or to prosecute those responsible for abuse. In addition to the lack of political will, a number of conditions contribute to the perpetuation of impunity and include the fact that provincial powers of appointment, promotion and deployment of police and prison personnel are not subject to institutional systems designed to promote competence, integrity, efficiency and adherence to the rule of law. Further, the report notes that corruption is rife and many of the underpaid and ill-trained personnel are generally thought to make ends meet by extorting money from those over whom they have power. The report notes that it is commonly asserted that the jobs of such personnel, ranging from police recruits to station house officers, from prison guards to jail superintendents, can be bought, with the return on investment coming from the opportunities provided by unlawful enrichment and goes on to state that "There appears to be a conviction on the part of police and government officials that administrative disciplinary measures such as dismissal, demotion and transfer are sufficient punishment for police and security officials who have abused their authority. Although the government has stated its commitment to prosecute any officer found responsible for crimes such as torture, to the Special Rapporteur's knowledge none have been convicted (E/CN.4/1997/7/Add.2, para. 86)."

In setting the context for conclusions and recommendations the report recalls that in Pakistan: society is riven by intercommunal and intersect strife; the language and style of competitive politics goes beyond adversarial debate and is characterized by hostile, confrontational and self-in-terested manoeuvring; most of the political elite come from a very small, very rich class often described as feudal; there is a large majority of very poor people, with a relatively small middle class in between; and, law enforcement agencies have traditionally been used more to serve the narrow interests of those in office than to defend the rule of law. The Special Rapporteur stated that it could not be concluded that the stated preference of some in government for respect for human dignity was given the political priority necessary for its realization. The responsibility for the lack of political will was seen not only to rest with the current government and its party but also governmental officials in general. The recommendations in the report, therefore, were not only addressed to the executive but to all parties in the legislature and other institutions of Pakistani society.

The report recommends that:

- ▶ violent political rhetoric be abandoned;
- ▶ Pakistan accede to or ratify the Convention against Torture and the International Covenant on Civil and Political Rights and its Optional Protocol;
- ▶ corporal punishment be abolished, particularly as a form of prison discipline;
- ▶ the use of fetters as a form of punishment in jails be abolished and use be restricted to those conditions allowed by the Standard Minimum Rules for the Treatment of Prisoners, namely: as a precaution against escape during transfer; on medical grounds by direction of a medical officer; to prevent self-injury or injury to others; to prevent damage to property; and, only for the time strictly necessary;
- ▶ medical personnel not cooperate in the carrying out of corporal punishment until such time as this punishment is abolished;
- ▶ illegal detention and detention in undeclared centres be recognized as criminal offences under law;
- ▶ transfer of a detainee from one agency to another without judicial order be prohibited;
- ▶ police services be removed from the circle of political patronage and guaranteed sufficient autonomy to uphold the rule of law;
- ▶ recruitment, promotion and deployment of police and prison personnel be based on a system of merit and remuneration and that training be substantially improved;
- ▶ independent complaints bodies be established to inspect any place of detention; and,
- ▶ special police stations for female suspects be established in areas where they do not already exist and that all female suspects be held in such special stations.

#### **Violence against women, Special Rapporteur on:** (E/CN.4/1997/47, Section IV)

In the section dealing with trafficking in women and forced prostitution the report refers to marriage as a method of recruitment for trafficking and comments that in order to traffic women to Pakistan, Bengali traffickers or their networking partners are required to marry their victims so as to protect themselves from being prosecuted under Islamic Hudood laws. Despite this, 2,500 Bangladeshi women and children are currently being detained in Pakistan under these laws, charged with illegal entry and for having "illegitimate sex". The report also comments on state participation and complicity in trafficking in women and cites the fact that border officials in Pakistan keep the girls who are pretty and sexually abuse them until the next lots of girls arrive at which time their previous victims are released.

In the section addressing religious extremism the report notes that previously in Pakistan, the offence of Zina was interpreted by the state in such a way as to culminate in violence against women. Also, under the Hudood ordinance, rape was an offence nearly impossible to prove, and if not proved, the same woman would be tried for the offence of adultery or fornication.

#### ***Mechanisms and Reports of the Sub-Commission***

##### **Contemporary forms of slavery, Working Group on:** (E/CN.4/Sub.2/1997/13, para. 49, 50)

The report makes a brief reference to the fact that information had been provided by non-governmental organizations on bonded labour and child labour in Pakistan. Summary notes are then included on a statement by the government related to legislative and other measures Pakistan has adopted and implemented to combat bonded and child labour.

#### ***Other Reports***

##### **Cooperation with representatives of UN human rights bodies, Report of the S-G: (E/CN.4/1997/50, paras. 11)**

The report of the Secretary-General refers to the case of an individual who was reportedly threatened by Pakistani authorities after he filed a complaint with the police, as well