



# Country Information and Guidance

## Pakistan: Prison conditions

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Pakistan as well as country of origin information (COI) about Pakistan. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: [CPI@homeoffice.gsi.gov.uk](mailto:CPI@homeoffice.gsi.gov.uk).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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<b><u>KA and Others (domestic violence – risk on return) Pakistan CG [2010] UKUT 216 IAC</u></b> (14 July 2010)	

# 1. Guidance

Updated 14 July 2014

## 1.1. Basis of claim

- 1.1.1 Fear of being imprisoned on return to Pakistan and that prison conditions are so poor they amount to torture or inhuman or degrading treatment or punishment.
- 1.1.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason or in cases where for a Convention reason a prison sentence is extended above the norm, the asylum claim should be considered first, before going on to consider whether prison conditions breach Article 3 if the asylum claim is refused.

See country information on [Prison conditions](#)

See asylum instruction on [Humanitarian Protection](#)

## 1.2. Summary of issues

- Is the person reasonably likely to be imprisoned on return?
- Are prison conditions in Pakistan so severe that prisoners suffer treatment contrary to Article 3 ECHR?

## 1.3. Consideration of issues

### Is the person reasonably likely to be imprisoned on return?

- 1.3.1 Decision makers must establish the likelihood that the person will be imprisoned on return including if necessary whether the alleged offence constitutes an offence under Pakistan law and, if so, is one which is likely to be punishable by a term of imprisonment.

Considering the [asylum claim and assessing credibility](#), and also the process guidance on [interviewing/assessing the claim](#)

See [Pakistan Penal Code](#)

### Are prison conditions in Pakistan so severe that prisoners suffer treatment contrary to Article 3 ECHR?

- 1.3.2 The country guidance case of [KA and Others](#) (para 199) was heard in April 2010 and found then that the evidence does not demonstrate that in general prison conditions are persecutory or amount to serious harm or ill-treatment contrary to Article 3 ECHR. Information continues to indicate that prison conditions are harsh and life threatening and due to overcrowding, inadequate food and medical care, and the practice of ill-treatment and torture may breach the Article 3 threshold in individual cases. The situation in prisons is reportedly worse for detainees from minority communities.
- 1.3.3 Decision makers must carefully consider the individual factors of each case to determine whether detention will cause a

See [Caselaw](#)

See asylum instruction on [Humanitarian Protection](#)

particular person in their particular circumstances to suffer treatment contrary to Article 3 ECHR. The relevant factors include:

- the likely length of detention,
- the likely type of detention facility; and
- the person's age, gender and state of health
- whether they are from a minority group?.

## Policy summary

**Prison conditions in Pakistan are extremely poor, but in general will not reach the high threshold for a breach of Article 3 ECHR. Each case will be dependant on the particular circumstances of the person concerned.**

**Where in an individual case treatment does reach the Article 3 ECHR threshold, a grant of Humanitarian Protection (HP) will normally be appropriate, or Discretionary Leave if the person is excluded from HP.**

**Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See asylum instruction on [Humanitarian Protection](#)

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## 2. Information

Updated 8 May 2014

### 2.1. Prison conditions

2.1.1 The U.S. Department of State reported in its 2013 Human Rights Report for Pakistan that:

‘Conditions in some prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread [...] Police sometimes tortured, mistreated, and, at times, killed prisoners. Overcrowding was common [...] Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent.’ The same report further noted ‘Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diets with help from family or friends’.<sup>1</sup>

2.1.2 Covering the year 2013, the annual report by the Human Rights Commission of Pakistan noted that:

‘The prisons system was weighed down in the year under review by a range of problems, including corruption, overcrowding, mistreatment and torture of detainees, poorly trained prison staff, and deficient accountability mechanisms... A clear majority of the prison population in the country comprised under-trial prisoners, who were confined without a sentence often for years... Prison staff demanding bribe to allow family meetings was also a common complaint, although some measures were taken to address that problem towards the end of 2013 in Punjab’s 32 prisons.’<sup>2</sup>

2.1.3 The International Crisis Group, an NGO, reported in October 2011 that ‘Prisoner abuse, including torture, by jail staff is rampant’ and that ‘Accountability mechanisms for checking prisoner abuse, corruption and other malpractices on the part of prisons staff are almost non-existent.’ The same report further noted that ‘Massive overcrowding, corrupt, brutal and poorly trained staff and abysmal living conditions have made prisons a hotbed of violence, drug abuse, criminality and militant activity.’<sup>3</sup>

2.1.4 With regard to the treatment of detainees of religious minorities, the U.S. Department of State reported that ‘Minority prisoners generally were afforded poorer facilities than Muslims and often suffered violence at the hands of fellow inmates. Christian and Ahmadi communities claimed that their members were more likely to be abused in prison. The Center for Legal Aid and Assistance reported that conditions were often worse for those prisoners accused of violating blasphemy laws.’<sup>4</sup> The International Crisis Group similarly reported that ‘Prisoners from minority communities, particularly Christians and Ahmadis, are generally afforded poorer facilities, are often violently attacked by Muslim inmates and can also be subjected to brutal treatment by prison staff.’<sup>5</sup>

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<sup>1</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e](#)

<sup>2</sup> [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014, page 60](#)

<sup>3</sup> [International Crisis Group, Reforming Pakistan’s Prison System, 12 October 2011, page 15](#)

<sup>4</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e](#)

<sup>5</sup> [International Crisis Group, Reforming Pakistan’s Prison System, 12 October 2011, pages 14-15](#)

- 2.1.5 With regards to prisoners on death row, the International Crisis Group reported that 'Because of lengthy delays in the dispensation of justice, condemned prisoners often remain in death row cells for years – some for over a decade – as their appeals “make their painstaking way through Pakistan’s labyrinthine judicial system”. The conditions under which they are imprisoned are even worse than for other detainees.’<sup>6</sup> Amnesty International reported in March 2014 that in the majority of countries the death penalty was imposed based on ‘confessions’ that were possibly extracted through torture or other ill-treatment and that this ‘was particularly the case in [...] Pakistan.’<sup>7</sup> The same report stated that ‘at least 8,526 people were on death row at the end of the year.’<sup>8</sup>
- 2.1.6 The U.S. Department of State also reported on the situation of political detainees and prisoners ‘Some Sindhi and Baloch nationalist groups claimed that their members were marked for arrest and detained based on their political affiliation or beliefs.’ It went on to note that despite a 2009 amnesty, ‘some Baloch groups claimed that illegal detention of nationalist leaders by state agencies continued.’<sup>9</sup>
- 2.1.7 With regard to female detainees, the U.S. Department of State reported that ‘Women were held separately from men in some, but not all, prisons’ and that ‘There were many reports of violence against and rape of women.’<sup>10</sup> Covering the year 2013, the annual report by the Human Rights Commission of Pakistan recorded that 1,000 out of nearly 60,000 prisoners in Pakistan’s jails were women. Nearly 1,100 prisoners were juveniles. Three women were given the death penalty and 85 women were on death row.<sup>11</sup>
- 2.1.8 The International Crisis Group reported that:
- ‘A 2011 situation and needs assessment of female inmates in nine prisons across the country carried out by the UN Office on Drugs and Crime (UNODC), found unhygienic conditions in most [...] While female prisoners can keep their children up to the age of six with them, it is common to find children even up to the age of twelve. UNODC found that no prison surveyed had childcare facilities or provisions for children’s education and recreation. Women with reproductive health needs have little or no access to healthcare.’<sup>12</sup>
- 2.1.9 The U.S. Department of State reported with regard to detainees held during counterterrorism operations:
- ‘... security forces may restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention, tortured, and abused. In many cases these prisoners were held incommunicado and

<sup>6</sup> [International Crisis Group, Reforming Pakistan’s Prison System, 12 October 2011, page 20](#)

<sup>7</sup> [Amnesty International, Death Sentences and Executions 2013, 27 March 2013, Global Figures](#)

<sup>8</sup> [Amnesty International, Death Sentences and Executions 2013, 27 March 2013, Asia-Pacific](#)

<sup>9</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e](#)

<sup>10</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e](#)

<sup>11</sup> [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014, pages 62 and 69](#)

<sup>12</sup> [International Crisis Group, Reforming Pakistan’s Prison System, 12 October 2011, V. Prison conditions, D. Women Prisoners](#)

were not allowed prompt access to a lawyer of their choice; while improving, family members often were not allowed prompt access to detainees.’<sup>13</sup>

2.1.10 Human Rights Watch reported that, in July 2013, Pakistan’s Attorney General admitted that ‘more than 500 “disappeared” persons are in security agency custody.’ Human Rights Watch stated that ““Disappeared” people are often at high risk of torture, a risk even greater when they are detained outside of formal detention facilities such as prisons and police stations.’<sup>14</sup> The U.S. Department of State noted that ‘Some police and security forces held prisoners incommunicado and refused to disclose their location.’<sup>15</sup>

See Pakistan: Country Information and Guidance [Actors of protection](#)

2.1.11 Religious minorities, including Christians and Ahmadis, were generally provided with poorer facilities and were subject to attacks by Muslim inmates and mistreatment by prison staff.<sup>16</sup> Although non-Muslim prisoners were normally allowed to observe their religious practices, specific provisions, such as a place of worship or dietary requirements, were not usually catered for.<sup>17</sup>

See Pakistan: Country Information and Guidance [Religious freedom](#)

2.1.12 A law passed in 2010 required death row prisoners to be removed from death row and to be allowed conjugal visits, but this was not effectively implemented.<sup>18</sup>

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<sup>13</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1d](#)

<sup>14</sup> [Human Rights Watch, Pakistan: Ratify Treaty on Enforced Disappearance: Bring Perpetrators to Justice, Prevent Abuses, 29 August 2013](#)

<sup>15</sup> [U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1b](#)

<sup>16</sup> International Crisis Group (ICG) <http://www.crisisgroup.org/>, Reforming Pakistan’s Prison System, 12 October 2011, Prison conditions – Living conditions, [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/212%20-%20Reforming%20Pakistans%20Prison%20System.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/212%20-%20Reforming%20Pakistans%20Prison%20System.pdf), date accessed 12 February 2014

<sup>17</sup> Human Rights Commission of Pakistan (HRCP), State of Human Rights in 2009, February 2010, page 92, <http://hrcp-web.org/hrcpweb/wp-content/ar/pdf/ar09e.pdf>, date accessed 12 February 2014

<sup>18</sup> HRCP, State of Human Rights in 2011, March 2012, page 62, <http://hrcp-web.org/hrcpweb/wp-content/pdf/AR2011-A.pdf>, date accessed 12 February 2014



# Annex A: Caselaw

**KA and Others (domestic violence – risk on return) Pakistan CG [2010] UKUT 216 IAC** (14 July 2010)

The court made the following findings:

- (i) In general persons who on return face prosecution in the Pakistan courts will not be at real risk of a flagrant denial of their right to a fair trial, although it will always be necessary to consider the particular circumstances of the individual case.
- (ii) Although conditions in prisons in Pakistan remain extremely poor, the evidence does not demonstrate that in general such conditions are persecutory or amount to serious harm or ill-treatment contrary to Article 3 ECHR.

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