



26 November 2014

A Commentary on the July and October 2014 Country Information and Guidance reports issued on Pakistan

This commentary identifies what the 'Still Human Still Here' coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Pakistan and the conclusions reached in the following Country Information and Guidance (CIG) reports issued by the Home Office:

- [Background information, including actors of protection, and internal relocation](#) (October 2014)
- [Fear of the Taliban and other militant groups](#) (July 2014)
- [Prison conditions](#) (July 2014)
- [Land Disputes](#) (July 2014)
- [Women](#) (July 2014)
- [Religious freedom](#) (July 2014)

Where we believe inconsistencies have been identified, the relevant section of the CIG report is highlighted in blue. An index of full sources of the COI referred to in this commentary is also provided at the end of the document (COI up to 10 November 2014). This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the CIGs on Pakistan issued in July and October 2014.

The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Home Office, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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A. Background information, including actors of protection, and internal relocation (October 2014)

Are those at risk able to seek effective protection?

The CIG fails to include all of the headnote of the Country Guidance (CG) case AW, which was promulgated in January 2011. Note that the CIG does not make clear that it dealt specifically with a male applicant who claimed asylum because of his fear of the Muttahida Quami Movement (MQM):

Excerpt from CIG on Background information, including actors of protection, and internal relocation

1.2.1 The reported case of AW (26 January 2011) found that there is 'systemic sufficiency of state protection' in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

1.2.2 The country information suggests that whilst there is a fully functioning criminal justice system, the effectiveness of the police varies greatly by district, ranging from reasonably good to ineffective. Pakistan's police system suffers severe deficiencies in a number of areas, including equipment, technology, personnel, training, and intelligence capability. There have also been reports that the police have often failed to protect members of religious minorities and women.

1.2.3 Decision makers must consider each case on its individual facts. The assessment of whether effective protection is available should be considered in relation to the particular circumstances and profile of the person.

The CG case AW added that:

AW (sufficiency of protection) Pakistan [2011] UKUT 31 (IAC) (26 January 2011)

[...] 2. Notwithstanding systemic sufficiency of state protection, a claimant may still have a well founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require (per Auld LJ at paragraph 55(vi))

The guidance provided in paragraph 1.2.2 and highlighted in blue above identifies the following issues with the criminal justice system:

- Pakistan's police effectiveness ranges from "reasonably good to ineffective"
- Pakistan's police system suffers from "severe deficiencies in a number of areas"
- Pakistan's police "often failed to protect members of religious minorities and women"

Despite these failings, the CIG however concludes in sub-section '1.3 Policy Summary' that access to effective protection by the Pakistan state is in general likely to be available:

Excerpt from CIG on Background information, including actors of protection, and internal relocation

1.3.1 In general, a person is likely to be able to access effective protection from the state. A person may, nevertheless, be unable to receive effective protection by reason of his or her individual circumstances.

This policy summary that protection is likely to be available is not only inconsistent with the position taken at paragraph 1.2.2 (see above highlighted in blue) but also not supported by the COI included in this particular module of the CIG that documents:

- widespread human rights abuses committed with impunity by the Pakistani police and security forces (see paragraphs 2.7.2, 2.7.3, 2.7.9, 2.7.19-2.7.23 and 2.9.2);
- the unwillingness to protect members of religious minorities (see paragraph 2.7.9) and women (see paragraphs 2.7.5 and 2.7.12);
- lack of police equipment and resources (see paragraphs 2.7.10, 2.7.11 and 2.7.13)
- police inefficiency (see paragraphs 2.7.10, 2.7.13, 2.7.16 and 2.7.17)
- police corruption (see paragraphs 2.7.10, 2.7.11, 2.7.13, 2.9.1 – 2.9.3)
- the limited capacity of the Pakistani judicial system (see paragraphs 2.8.4, 2.8.19, 2.8.20, 2.8.22, 2.8.23, 2.8.24 and 2.8.28)
- limited access to justice for victims of crime (see paragraphs 2.8.4 and 2.8.28) and for those in separate judicial systems (see paragraphs 2.8.5, 2.8.14-2.8.17 and 2.8.21)
- Judicial corruption (see paragraphs 2.8.18-2.8.23 and 2.9.3)

See also the relevant modules discussed in this commentary for specific information on the availability of effective state protection available to [religious minorities](#), [women](#) and in cases involving [land disputes](#).

Additional non-exhaustive, illustrative sources of COI available in the public domain published in 2014 and not included in the current CIG further challenges the guidance provided in this CIG that in general, effective protection is available in Pakistan. The COI is listed under the following issues:

- [Human rights abuses committed by the Pakistani police with impunity](#)
- [Suspension of fundamental rights and granting military authorities law enforcement orders](#)
- [Police inefficiency](#)
- [Lack of police equipment/resources](#)
- [Corruption within the police force](#)
- [Targeting and killing of police officers](#)
- [Judicial corruption](#)
- [Inefficient judicial system](#)
- [Overburdened courts](#)

Human rights abuses committed by the Pakistani police with impunity

➤ [Business Standard, Woman dies of police torture in Pakistan, 4 October 2014](#)

A woman in [Pakistan](#) has died allegedly due to torture by police during a raid at her house, a media report said today. Police officials entered the woman's house in Sargodha in the country's [Punjab](#) province to arrest her son who had contracted love marriage. The man, however, had escaped before the police arrived. The angry policemen allegedly tortured the woman instead, to get information about the whereabouts of her son, resulting in her death, The Express News reported. The policemen fearing retaliation by local people fled the scene after the woman's death. A case has been registered against the police officials. Police highhandedness is common in Pakistan where police system is still based on decades-old colonial era of torture and fear.

➤ [Human Rights Watch, Impunity Marks Global Day for Disappeared: Government Fails to Provide Facts, Justice, and Reparations to Victims, 29 August 2014](#)

On the eve of the annual International Day of the Victims of Enforced Disappearances, the International Commission of Jurists (ICJ), Amnesty International, and Human Rights Watch urge Pakistan's government to stop the deplorable practice of state agencies abducting hundreds of people throughout the country without providing information about their fate or whereabouts. Despite clear rulings from the Pakistan Supreme Court in 2013 demanding justice for victims of enforced disappearances, as well as recommendations from the United Nations Working Group on Enforced or Involuntary Disappearances in

2012, the [Pakistan](#) government has done little to meet its obligations under international law and the Pakistan Constitution to prevent enforced disappearances. The government has failed to establish the facts about the fate and whereabouts of victims when disappearances occur, has failed to bring perpetrators to justice, and has failed to provide reparations to victims, including the families of the disappeared, the three leading rights organizations said. Instead, the government has responded by passing the Protection of Pakistan Act, 2014, which facilitates enforced disappearances by retrospectively legitimizing detention at undisclosed locations and providing immunity to all state agents acting in 'good faith.' These steps perpetuate a troubling culture of impunity in Pakistan, casting grave doubts on the government's seriousness about ensuring justice and protecting human rights. Enforced disappearances—most often of men and boys—occur regularly throughout Pakistan, including Balochistan and north-western Pakistan, as well as in Punjab and Sindh provinces. Balochistan is of particular concern because of a pattern of enforced disappearances targeting political activists, human rights defenders, journalists, and lawyers. Disappeared people are often found dead, their bodies bearing bullet wounds and marks of torture. [...]

Hundreds of men and boys, especially individuals associated with the Muttahida Quami Movement political party and ethnic Pashtuns accused of being associated with the Taliban, have been subjected to enforced disappearance in the city of Karachi over the last two years. Several members of ethnic Sindhi nationalist groups have also allegedly been subjected to enforced disappearance in the province of Sindh in the same period. In north-west Pakistan, the armed forces allegedly continue to subject men and boys to enforced disappearances in areas where they are carrying out counter-insurgency operations against the Taliban. The few investigations carried out by the Pakistani authorities have been hampered by their refusal or inability to adequately investigate state security forces and intelligence services implicated in enforced disappearances. [...]

➤ [Asian Legal Resource Centre, Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 27 August 2014](#)

1. Extra judicial killings have become rampant in Pakistan; they are being executed with impunity and are rarely tried in Courts. The Asian Legal Resource Centre (ALRC) continues to document hundreds of cases of extra-judicial killings in Pakistan, which are generally accompanied by absolute impunity, due to the lack of investigations and prosecutions. The rampant killings, the lack of effective actions to neither punish them nor provide redress to the victims and their families, speak of the serious lacunae in the justice delivery institutions. Without substantial and structural reforms, ensuring the effective functioning of the country's investigation and justice delivery systems- especially so, in instances where the perpetrators of abuses are alleged to be state agents or members of powerful groups - prospects for the effective protection and enjoyment of human rights, including the right to life, remains extremely dim.

2. At the start of this year, on 16 January 2014, three mass graves were found in Pakistan and according to authorities 17 mutilated bodies were dug up from these graves contrary to reports by eye witnesses who said that around 169 bodies were found. Nationalist groups have also stated that they recognized three missing persons amongst the dead bodies in the graves. Government imposed a curfew at the time, when these graves were found. [...]

➤ [Human Rights Watch, Pakistan: Fully Investigate Deadly Shootings: Lethal Force Used Against Stone-Throwing Protesters in Lahore, 17 June 2014](#)

[...] The police and other security forces have been responsible for numerous abuses, including torture and other ill-treatment of criminal suspects, extrajudicial killings, and unresolved enforced disappearances. "Pakistan's security forces have a history of using excessive force against civilians with impunity," Adams said. "A transparent and impartial investigation into the Lahore shootings is necessary to prevent even greater distrust of the security forces." [...]

Suspension of fundamental rights and granting military authorities law enforcement orders

➤ [Human Rights Watch, Revoke Suspension of Rights in Islamabad: Army, Protesters Need to Avoid Violence, 8 August 2014](#)

Pakistan's government should rescind the suspension of fundamental rights and the grant of military authority for law enforcement in Islamabad, Human Rights Watch said today. Powers given to the military risk misuse in the face of ongoing large-scale political protests. [...]

On August 1, 2014, the government invoked article 245 of the constitution, permitting the military to carry out law enforcement in Islamabad. Under article 245, the government also suspended fundamental rights, including the courts' jurisdiction to enforce freedoms of expression, assembly and association, and habeas corpus, allowing detention without charge or remedy. Invoking article 245 also gives the armed forces excessive powers under the Anti-Terrorism Act of 1997. Soldiers are permitted to shoot to kill after giving a warning, but are not bound by standard rules allowing them to act only in self-defense or to protect the lives or property of others. They can conduct arrests and searches of property without a warrant. [...]

Policeinefficiency

➤ [Inter Press Service, Karachi Residents Trapped Between Armed Assassins and Private Bodyguards, 20 August 2014](#)

With a rise in sectarian killings, extortion, drug peddling, kidnappings and land grabbing, Pakistan's sprawling port city of Karachi, home to some 20 million people, has become a hotbed of crime. Fearing that they may soon bear the brunt of this lawlessness, the city's elite – often the target of kidnapping for ransom – has begun hiring personal bodyguards and moving through the streets in armoured or bombproof vehicles. The result, experts say, is an increasingly dangerous city, where trigger-happy thugs operate with impunity, while an understaffed police force struggles to keep tabs on rampant crime. A recent study carried out by the Sindh Province police indicates that the available strength of the police force in Karachi is just 26,847, of which 8,541 are deployed to protect individuals and sensitive installations like the port, airport and oil terminal, among others. Some 3,102 policemen are assigned to investigation. Only 14,433 policemen, working on back-to-back shifts of 12 hours each, are responsible for maintaining law and order, and protecting the lives and properties of ordinary Karachi residents. That works out to just one policeman per 1,524 people in a city that clocked 40,848 crimes (with 2,700 people killed) in 2013, making it one of the most dangerous places in the world. [...]

Lack of police equipment/resources

➤ [United States Institute of Peace, A Counterterrorism Role for Pakistan's Police Stations, 18 August 2014](#)

Summary [...]

- The police station retains both its historic role as the symbol of government authority and its position as the basic law enforcement institution responsible for public order, law enforcement, and police services. Yet police stations and personnel are ill prepared and poorly equipped to meet the challenges of the country's complex, urbanized, and increasingly violent society.

- Pakistani police have found themselves on the front lines, and a growing number have given their lives to protect others in the struggle against terrorist and criminal groups. The need is now urgent to empower the police through a program of positive reform that would begin with modernizing police stations and reorienting and retraining their personnel. [...]

Introduction [...]

Despite the remarkable courage of individual officers who have given their lives to save others, Pakistan's police have proven ill prepared and poorly equipped to deal with the challenge of rapidly escalating urban violence. [...]

Historic Role [...]

Most of the new stations have been opened in buildings built for other purposes, sometimes in commandeered private homes, or in makeshift structures.¹¹ Working conditions for police are generally substandard. Many police stations lack electricity, water, and humane detention facilities. Inadequate facilities both have a negative impact on citizen perceptions of the police and lower police morale. [...]

Corruption within the police force

➤ [United States Institute of Peace, A Counterterrorism Role for Pakistan's Police Stations, 18 August 2014](#)

[...] Introduction [...]

Despite the remarkable courage of individual officers who have given their lives to save others, Pakistan's police have proven ill prepared and poorly equipped to deal with the challenge of rapidly escalating urban violence. [...]

Colonial Past [...]

This approach is reflected in thana (police station) culture, a term used in Pakistan to describe a policing mindset that accepts such common abuses as demanding bribes for performing police services, illegal detention, and the use of force to obtain confessions. Police constables affect a military manner and answer to military-style discipline. Rank-and-file police officers have a reputation for being crude, abusive, and high-handed in their treatment of citizens. The police are generally feared but not respected. For the average citizen, seeking police assistance is considered potentially dangerous and often a last resort. Instead, thana culture serves the interests of the political elite, the wealthy, and those who can demand special treatment. Political interference with the police often results in transfers and the demand for bribes for promotions and attractive assignments. Politicians use the police to intimidate their opponents and to perform services, most importantly providing personal protection. In high-threat areas, a majority of the police may be deployed at any time on private security details for political officials, their families, and chief supporters. [...]

Historic Role [...]

Direct hiring of constables creates opportunities for political patronage and corruption. Constables must have completed high school (ten years), but the quality of education is low, and constables may have difficulty reading and writing reports. Training for the lower ranks is largely a matter of drilling and other means of instilling discipline. Constables have limited opportunities for either promotion or transfer to more attractive locations. On duty fourteen hours a day, they are often outdoors manning roadblocks and guarding facilities. They live at the police station, often going months without a day off. Low pay and lack of opportunity for advancement create conditions for petty corruption and recruitment by political parties, criminal elements, and extremist groups. [...]

➤ [Transparency International, National Integrity System: Country Report 2014: Pakistan, 25 April 2014](#)

I. National Integrity System [...]

The purpose of conducting this assessment is to examine public and private sectors of Pakistan in terms of accountability and governance. According to the NCPS (National Corruption Perception Survey) 2010 by Transparency International Pakistan, the most important cause of corruption in the opinion of common citizens is the lack of accountability, lack of merit and low salaries. Corruption is an undercurrent of almost all public and private institutions, although Pakistanis continued to believe that private sector is less corrupt than the government sector. According to the survey, the average bribery per household has increased from USD 89.85 in 2009 to USD 100.42 in 2010. Our research indicates that although laws against corruption are comprehensive and strict, implementation is very weak. There are many law enforcement institutions, Acts, Orders, Ordinances and a plethora of other legal instruments, yet they so far seem to be insufficient for eliminating corruption. [...]

II. Executive Summary [...]

The weak status of Law Enforcement Agencies in the National Integrity System is quite alarming. A number of existing gaps in financial, human and infrastructural resources in addition to insufficiency of latest intelligence technology have led to a certain degree of ineffectiveness in carrying out their duties. Most of the law enforcement agencies have low credibility and do not enjoy public respect. The right to information laws are not strong and in absence of witness protection system in place, the public does not dare question the public functionaries. The major causes of law enforcement failures can be assigned to ineffective accountability mechanisms and above all lack of integrity and political will to improve conditions. Present Integrity and disciplinary mechanisms are quite sound if implemented in their true spirit, but it seems that the issue of integrity has never been taken up seriously, signifying severe lack of political will. Hence, for its true implementation a proper accountability and prosecution mechanism has to be developed. [...]

IV. Corruption Profile [...]

In a study done between 2010 -2011, 77 % of people in Pakistan felt the level of corruption has increased over the past three years and the majority perceived it to be greatest in institutions that deal with public processes and that have more frequent interactions with the public. 54% of the people said that they had been compelled to pay a bribe to police officials and 62% to revenue/property registration officials, and 73% of bribes, were reportedly paid to speed things up. Police and public officials were considered the most corrupt institutions scoring highest on perceived level of corruption among a set of 12 major institutions, 34% of people admitted to paying bribes to one of the eight service providers listed in the foregoing year, and 75% were willing to pay a bribe, rather than protesting or saying no to corruption. Surveys by Transparency International Pakistan have identified lack of accountability, lack of merit, low salaries of government employees, and unchecked discretionary powers, as the major causes of corruption. The highest proportion of people reported that they trust 'nobody' in the fight against corruption and 73 per cent of people considered the government to be ineffective in fighting against corruption. The general attitude of people towards eliminating corruption is that of a lost cause. They seem to have lost hope and the degree of belief in citizens' power to address corruption has dropped substantially, as 61-80% of people think that ordinary people cannot make a difference in reducing corruption. [...]

Targeting and killing of police officers

- [Agence France-Presse, Pakistan militants kill three in attacks targeting police, 15 September 2014](#)
Militants on Monday killed three people in attacks targeting police in Pakistan's restive northwest, officials said.
A suicide bomber killed one policeman in Tahl, about 100 kilometres (60 miles) southwest of Peshawar, while two brothers of a police station chief died in a separate attack on his home in Dera Ismail Khan. [...] Separately militants attacked the home of a police station chief in Dera Ismail Khan, some 240 kilometres south of Peshawar, and killed his two brothers, said district police chief Sadiq Baloch. [...]
- [United States Institute of Peace, A Counterterrorism Role for Pakistan's Police Stations, 18 August 2014](#)
Summary [...]
 - Pakistani police have found themselves on the front lines, and a growing number have given their lives to protect others in the struggle against terrorist and criminal groups. The need is now urgent to empower the police through a program of positive reform that would begin with modernizing police stations and reorienting and retraining their personnel. [...]Introduction [...]
During the first six months of 2014, eighty-seven Karachi police officers were killed in the line of duty, and 166 in all of 2013.¹ Their deaths made Karachi a microcosm of the problems the entire country faces. [...] Historic Role [...]
Shackled by this legacy, Pakistan's provincial police organizations are ill prepared to play their current role in the battle to control the country's spiraling levels of violence. Inadequate physical structures leave police officers vulnerable to attack. Police stations have neither blast resistant walls nor barriers to intercept car bombs. A significant percentage of police personnel are assigned in small groups to roadside check points, where they stand in the open and search vehicles with no protection. Police travel to duty stations on foot or in thin-skinned vans and open trucks that are easy targets for roadside explosives and drive-by attacks. Police stations have a limited collection of old, mismatched, and poorly maintained automatic weapons and side arms. Ammunition is inadequate to defend against a sustained attack. Helmets and body armor are in short supply. [...]
- [Bundesamt für Migration und Flüchtlinge, Group 22 – Information Centre Asylum and Migration, Briefing Notes, 21 July 2014](#)
[...] Pakistan [...]
Assaults

On 18 July 2014 a group of policemen was assaulted in a restaurant in Peshawar in north-west Pakistan, three of them and one waiter died. Two further policemen were injured. Just before a police officer had been killed in a bomb attack on his car. [...]

➤ [U.S. Department of State, Country Reports on Terrorism 2013: Chapter 2. Country Reports: South and Central Asia Overview, 30 April 2014](#)

[...] Pakistan [...]

Overview: In 2013, Pakistan continued to confront terrorist groups, including al-Qa'ida (AQ), Tehrik-e Taliban Pakistan (TTP), the Punjabi Taliban, and Lashkar I Jhangvi (LJ), all of whom mounted attacks against police, military and security forces, or engaged in sectarian violence and criminal activities against all sectors of society. [...]

2013 Terrorist Incidents: During 2013, terrorist groups targeted the Pakistani government and military, engaged in sectarian violence, and perpetrated attacks against civilians. Terrorists organized armed assaults on police stations, judicial centers, border check posts, military convoys, and polio vaccination teams. Terrorists plotted against and attacked judges, prosecutors, police officers, defense lawyers, anti-TTP peace committee members, intelligence officers, and elected officials. [...]

In separate incidents, terrorists assassinated a high-ranking Army general in the tribal areas, the Karachi Chief of Police, and the president's chief of security. Terrorists targeted Shia and other religious minorities in all areas of Pakistan, especially in Sindh, Khyber Pakhtunkhwa (KP), and Balochistan. [...]

Intimidation by terrorists against witnesses, police, victims, prosecutors, defense lawyers, and judges contribute both to the slow progress of cases in Antiterrorism Courts and a high acquittal rate. [...]

➤ [Agence France-Presse, Pakistan bomb kills one, wounds 33: police, 22 April 2014](#)

At least one person was killed and 33 injured in a bomb attack on a police van in Pakistan's troubled northwest on Tuesday, police said. It was the second attack on police in restive Khyber Pakhtunkhwa province in less than 10 hours and comes less than a week after the Pakistani Taliban formally ended a ceasefire called to help peace talks. [...]

➤ [Agence France-Presse, Gunmen kill five policemen in northwest Pakistan ambush, 21 April 2014](#)

Unidentified gunmen killed five police officers on patrol in Pakistan's troubled northwest late Monday, police said. A civilian driving a passing car was also killed, with two policemen and another civilian left wounded in the attack in the town of Badaber, a flashpoint for violence in the district of Peshawar. [...]

Judicial corruption

➤ [Waging NonViolence, Protests in Pakistan demand end to corruption, 10 September 2014](#)

Over the last few weeks, the growing protests in Islamabad have been a source of inspiration for Pakistanis demanding an end to governmental corruption. Since August 14, the date of Pakistan's Independence Day, thousands of protesters throughout the country have been calling for the resignation of the recently elected prime minister Nawaz Sharif due to the country's continuing and immense problem of corruption [...]

According to one Pakistani writer who is involved in these protests, one of the roots of the people's anger is the country's nonexistent justice system. "We have met families who have been unable to get justice for their daughters who were raped, we have met people who have lost their land to the powerful feudal overlords but couldn't get justice," he wrote. [...]

➤ [Transparency International, National Integrity System: Country Report 2014: Pakistan, 25 April 2014](#)

I. National Integrity System [...]

The purpose of conducting this assessment is to examine public and private sectors of Pakistan in terms of accountability and governance. According to the NCPS (National Corruption Perception Survey) 2010 by Transparency International Pakistan, the most important cause of corruption in the opinion of common citizens is the lack of accountability, lack of merit and low salaries. Corruption is an undercurrent of almost all public and private institutions, although Pakistanis continued to believe that private sector is less corrupt

than the government sector. According to the survey, the average bribery per household has increased from USD 89.85 in 2009 to USD 100.42 in 2010. Our research indicates that although laws against corruption are comprehensive and strict, implementation is very weak. There are many law enforcement institutions, Acts, Orders, Ordinances and a plethora of other legal instruments, yet they so far seem to be insufficient for eliminating corruption. [...]

II. Executive Summary [...]

NIS Pillars

The legislature is a strong pillar in the National Integrity System, particularly in terms of its laws and capacity. Sufficiently independent under the Constitution, the Legislature in Pakistan is empowered to make Acts/laws but is not free in practice as its independence has over the decades been compromised mostly by military intrusions, lack of consistency in democratic process and the coalition of diverse political parties required to form a government. Consequently, the laws passed by the Parliament are not implemented by the Executive in letter and spirit. Moreover, lack of research culture and appropriate training has resulted in a divide between the public and the legislators, who have failed to better understand their role and their legislative or constituency issues.

The Executive branch on the other hand, has scored very low on governance and there are neither laws nor practice as far as accountability and integrity are concerned. It does not seem to be putting efforts into public sector management and as such its role is quite weak. Its independence too has historically been curtailed by undue interference from within, as well as externally, through four periods of military rule, three constitutions and 20 amendments to the latest Constitution, mostly with respect to the power and role of the Executive.

The Judiciary's shortcomings can be ascribed to low resource provisions and lack of funding. Accountability and integrity too are low in practice, particularly that of the subordinate judiciary. There has been improvement in the judicial process since the Judicial Law Reforms 2009, and there are a wide variety of cases where relief has been granted to the litigants against arbitrary orders of the executive. But the huge backlog of cases, lack of financial and human resources and corruption, particularly in the lower judiciary have made access to justice neither easy nor speedy for the citizens. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Administration of justice [...]

Comments on judiciary [...]

Since the restoration of superior court judges, Chief Justice of Pakistan Iftikhar Muhammad Chaudhry had become a symbol of judicial independence in the country. Where he faced severe criticism for judicial activism and mishandling of charges of his son Dr Arsalan's alleged corruption, he also enhanced the respect for the institution. Justice Dorab Patel had said, "An independent judiciary means not only a judiciary which can resist pressures of governments but also the pressures of the public opinion." His critics say that that was where Justice Chaudhry failed and that he kept an eye on tickers on TV channels and newspaper headlines with an obsession for glory. He was also criticised for the manner in which he sent a democratically elected prime minister home and continuously hounded an elected president and the previous government in what some considered to be personal rather than legal battles. The Geneva-based International Commission of Jurists stated in a report that where CJP Chaudhry strengthened the human rights, his inconsistent choice of cases left the Supreme Court open to accusations of partisan intervention. The report said "the Court has often garnered public acclaim for demanding government accountability. But the Court has also come in for national and international criticism due in large part to the lack of guidelines governing how the Court takes up and prioritizes cases taken up using its original jurisdiction. At times, the Supreme Court has exercised its jurisdiction on the basis of media reports; at times it has responded to partisan petitions by political parties. Without transparent guidelines on how the Supreme Court takes up cases using its original jurisdiction, the Court's decision to give priority to certain cases involving human rights violations over others at times appears arbitrary, giving rise to concerns that the Court has sometimes exercised its original jurisdiction in a political and partisan manner." [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices for 2013, 27 February 2014](#)

Executive Summary [...]

Other human rights problems included poor prison conditions, arbitrary detention, lengthy pretrial detention, a weak criminal justice system, lack of judicial independence in the lower courts, and infringement on citizens' privacy rights. [...]

e. Denial of Fair Public Trial [...]

Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both the trial and appellate levels. Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights abuses. [...]

➤ [Freedom House, Freedom in the World 2014: Pakistan, 27 January 2014](#)

[...] F. Rule of Law: 4/16 [...]

The 2009 National Judiciary Policy attempted to tackle inefficiency in the lower judiciary. Though its focus on speedy adjudication has reduced the courts' backlog, in many cases the policy has undermined the quality of justice by weakening due process safeguards, including through the use of special venues such as antiterrorism courts. [...]

➤ [Human Rights Watch, World Report 2014: Pakistan, 21 January 2014](#)

[...] Judicial Activism and Independence

Judges often use *suomotu* proceedings—the court acting on its own motion—to help people gain access to justice. In other cases, the judiciary has used such proceedings to interfere with legislative or executive powers, part of a longstanding power struggle between Chief Justice Iftikhar Chaudhry, the government, and the army [...]

Inefficient judicial system

➤ [Waging NonViolence, Protests in Pakistan demand end to corruption, 10 September 2014](#)

Over the last few weeks, the growing protests in Islamabad have been a source of inspiration for Pakistanis demanding an end to governmental corruption. Since August 14, the date of Pakistan's Independence Day, thousands of protesters throughout the country have been calling for the resignation of the recently elected prime minister Nawaz Sharif due to the country's continuing and immense problem of corruption [...]

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Overburdened courts

➤ [Transparency International, National Integrity System: Country Report 2014: Pakistan, 25 April 2014](#)

II. Executive Summary [...]

NIS Pillars [...]

The Judiciary's shortcomings can be ascribed to low resource provisions and lack of funding. Accountability and integrity too are low in practice, particularly that of the subordinate judiciary. There has been improvement in the judicial process since the Judicial Law Reforms 2009, and there are a wide variety of cases where relief has been granted to the litigants against arbitrary orders of the executive. But the huge backlog of cases, lack of financial and human resources and corruption, particularly in the lower judiciary have made access to justice neither easy nor speedy for the citizens. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Highlights [...]

Administration of justice

- There was a heavy backlog of cases across all tiers of the judicial system. 20,000 cases were pending in the Supreme Court.
- The National Judicial Policymaking Committee's call for increasing the number of judicial officers went largely unheeded. [...]

Administration of justice [...]

A heavy backlog of cases across all tiers of the judicial system remained the foremost hurdle in realising the goal of expeditious justice. The courts' ability to deal with the caseload was hampered also by delay in appointment of judicial officers. The most extensive interaction of the people at large with the judicial machinery was at the district level and it was at this level that delays were most pervasive. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices for 2013, 27 February 2014](#)

[...] e. Denial of Fair Public Trial [...]

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. According to then Chief Justice Chaudhry, more than 1.6 million cases were pending in the district and the superior courts as of August 2012. Delays in justice in civil and criminal cases were due to antiquated procedural rules, weak case-management systems, costly litigation, and weak legal education. [...]

Are those at risk able to internally relocate within Pakistan?

With regards to the possibility of internal relocation, the 'Policy Summary' sets out that

Excerpt from CIG on Background information, including actors of protection, and internal relocation

1.3 Policy Summary

[...] 1.3.2 Internal relocation to another area of Pakistan is generally viable but will depend on the nature and origin of the threat as well as the personal circumstances of the person. [...]

It is not clear whether this "general viability" is intended to relate to the relevance or the reasonableness of internal relocation, but either way it is considered that an assessment of both safety and reasonableness must be individualised.

This policy summary as presented in paragraph 1.3.2 (see above) is not consistent with the CIG module on 'Women' which considers that (emphasis added):

Excerpt from the CIG on Women

1.3. Consideration of issues

[...] Is a woman able to internally relocate within Pakistan to escape that risk?

1.3.13 Decision makers must refer to the more general guidance in the module on 'Internal Relocation' and the caselaw SN & HM

(Divorced women– risk on return) Pakistan (25 May 2004)

1.3.14 However, **taking into account the general position of women in Pakistani society** where they:

- face patriarchal attitudes and deep-rooted stereotypes;
- may not be educated or even literate;
- may have to depend on relatives for economic support; and
- face safety issues and social constraints in living alone,

then **internal relocation is likely to be unduly harsh for many women.**

1.3.15 Factors such as the social positioning in terms of class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children of the person should be considered when determining whether relocation is an option. Educated and professional women may find it possible to support themselves in alternative locations.

1.3.16 In assessing whether women who are fleeing a risk of serious domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.

The 'consideration of issues' section of the CIG on 'Background information, including actors of protection, and internal relocation' asserts with regards to internal relocation that:

Excerpt from CIG on Background information, including actors of protection, and internal relocation

Are those at risk able to internally relocate within Pakistan?

1.2.4 Relocation to another area of Pakistan may be viable depending on the nature of the threat from non state agents and individual circumstances of the person.

1.2.5 Pakistan's total land area is 770,875 sq km with an estimated population of 196,174,380. The law provides for freedom of movement within the country, but due to violence in some areas, it is restricted in practice.

1.2.6 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Case workers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

See also:

- the country information on Geography and demography and Freedom of movement and internal relocation
- the subject-specific Pakistan Country Information and Guidance; and
- the Asylum Instruction(s) on Internal Relocation and, in the case of a female applicant, Gender Issues in the Asylum Claim

Whilst the CIG does highlight the importance of conducting the reasonableness and relevance analyses that must be undertaken in order to assess whether relocation is possible, the only country information summarised in this section of the CIG is with respect to the size of the country and whether there is freedom of movement. However, this only forms one aspect of the 'relevance' assessment (see below for the other issues that need to be taken into account).

Note that the preface to the 'Country Information and Guidance report: Background information, including actors of protection, and internal relocation' describes the document as providing "supporting guidance to Home Office decision makers on handling claims" made by nationals/residents of the country in question "but is predominantly country of origin information (COI) about" Pakistan.

However, it is not clear that this statement is borne out in the CIG with respect to internal relocation. The CIGs in general address narrower issues than were previously included in the COI Reports and this document only includes one limited subsection of COI in the '2.4 Freedom of movement and internal relocation' sub-section as follows:

Excerpt from CIG on Background information, including actors of protection, and internal relocation

2.4.1 The law provided for the rights of freedom of movement within the country, foreign travel, emigration, and repatriation, although these rights are limited in practice. The security situation and outbreaks of violence in various cities and provinces restricted the safe passage of citizens across the country.

2.4.2 The Australian Government Department of Foreign Affairs and Trade (DFAT) provided an assessment, published November 2013, with regard to internal relocation in Pakistan, stating: 'Because of Pakistan's size and diversity, internal relocation offers a degree of anonymity and the opportunity for victims to seek refuge from discrimination or violence. In most cases, there are options available for members of most ethnic and religious minorities to be able to relocate to areas of relative safety elsewhere in Pakistan. In particular, many large urban centres are home to mixed ethnic and religious communities and offer greater opportunities for employment, access to services and a greater degree of state protection than other areas. In practice, internal relocation is most successful when these conditions exist, but is limited mostly by a lack of financial resources and in some cases due to debts owed to landowners or money lenders.'

Again, the focus of the CIG is on aspects of the 'relevance' of relocation and freedom of movement. The previous Home Office COI reports used to address the humanitarian situation in Pakistan as well as the situation for internally displaced persons, but these are not addressed in the CIG, despite the fact that the situation for IDPs (outside of conflict regions) may provide a useful comparator for the situation of persons returned who must internally relocate to avoid the threat of persecution.

The UNHCR Guidelines on 'Internal Flight or Relocation Alternative' set out the two main analyses that must be undertaken in order to assess whether there is a relocation possibility, which it is useful to base issues for COI research on:

- [UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23 July 2003](#)

I. The Relevance Analysis

- a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant.
- b) Is the agent of persecution the State? National authorities are presumed to act throughout the country. If they are the feared persecutors, there is a presumption in principle that an internal flight or relocation alternative is not available.
- c) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there
- d) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation

II. The Reasonableness Analysis

- a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.

Whilst individualised research specific to a claimant's profile and to the proposed place of internal relocation is required, the following provides an indication of the relevant issues that need to be addressed in order to follow UNHCR's approach in assessing the possibility of internal relocation within Pakistan, together with some suggested sources.

I. The Relevance Analysis

a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant

Following on from the above, COI research is required on:

- Restrictions on entering the proposed site of internal relocation: e.g. the existence of checkpoints and curfews
- Security situation in the proposed site of internal relocation
- Security situation on route to the proposed site of internal relocation

For suggested sources to consult when researching the security situation in a particular area of relocation see the database in the [Appendix](#).

I. The Relevance Analysis

b) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there.

In order to assess whether internal relocation is a possibility to escape the risk of persecution from a particular (and known) armed group, information is required on the following issues:

- Origins and ideology
- Affiliates

- Strength and regions of operation
- Recent activities and targets of attacks

It is imperative to conduct up-to-date COI research addressing the threat and reach of a particular armed group. A database of useful sources to consult on the security situation in Pakistan to assist in case specific research on a particular location has been included in the [Appendix](#).

Where the non-state agent of persecution is an individual, for example a family member, evidence is required on their motivation and the ability to pursue the claimant. This is likely to be highly individualised evidence, rather than published country information, unless the individual in question has a public profile.

I. The Relevance Analysis

d) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation.

In addition to researching the risk of harm arising from a claimant's particular profile, it will be necessary to research any new human rights abuses that might affect the claimant in the proposed new area of relocation based on their personal circumstances, for example arising from their gender, ethnicity, religion, political opinion etc .

For COI on the lack of protection for women in Pakistan see the COI presented further below on the discussion on the [CIG: 'Women'](#).

For COI on the lack of protection for religious minorities in Pakistan see the COI presented below on the discussion on the [CIG: 'Religious Freedom'](#).

II. The Reasonableness Analysis

a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.

According to the UNHCR Guidelines on Internal Relocation, on this point it is necessary to assess (emphasis added):

- [UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23 July 2003](#)
- **The applicant's personal circumstances** (Of relevance in making this assessment are factors such as age, sex, health, disability, family situation and relationships, social or other vulnerabilities, ethnic, cultural or religious considerations, political and social links and compatibility, language abilities, educational, professional and work background and opportunities, and any past persecution and its psychological effects. In particular, lack of ethnic or other cultural ties may result in isolation of the individual and even discrimination in communities where close ties of this kind are a dominant feature of daily life. Factors which may not on their own preclude relocation may do so when their cumulative effect is taken into account. Depending on individual circumstances, those factors capable of ensuring the material and psychological well-being of the person, such as the presence of family members or other close social links in the proposed area, may be more important than others)

- **The existence of past persecution** (Psychological trauma arising out of past persecution may be relevant in determining whether it is reasonable to expect the claimant to relocate in the proposed area. The provision of psychological assessments attesting to the likelihood of further psychological trauma upon return would militate against finding that relocation to the area is a reasonable alternative)
- **Safety and security, respect for human rights**
- **Possibility for economic survival** (If the situation is such that the claimant will be unable to earn a living or to access accommodation, or where medical care cannot be provided or is clearly inadequate, the area may not be a reasonable alternative. It would be unreasonable, including from a human rights perspective, to expect a person to relocate to face economic destitution or existence below at least an adequate level of subsistence)

For suggested sources to consult when researching the humanitarian situation in a particular area of relocation see the sources database in the [Appendix](#).

B. [Fear of the Taliban and other militant groups](#) (July 2014)

Is there effective protection?

The CIG fails to include all of the headnote of the Country Guidance (CG) case AW, which was promulgated in January 2011:

Excerpt from CIG on Fear of Taliban and other militant groups

1.3.4 The reported case of AW (26 January 2011) found that there is ‘systemic sufficiency of state protection’ in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

1.3.5 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons that such persecution (and past lack of sufficient protection) is likely to be repeated.

The CG case AW added that:

[AW \(sufficiency of protection\) Pakistan \[2011\] UKUT 31 \(IAC\) \(26 January 2011\)](#)

[...] 2. Notwithstanding systemic sufficiency of state protection, a claimant may still have a well founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require (per Auld LJ at paragraph 55(vi)) [...]

Also note that the CIG does not make clear that it dealt specifically with a male applicant who claimed asylum because of his fear of the MuttahidaQuami Movement (MQM).

The guidance provided in paragraphs 1.3.4 and 1.3.5 (see above) fails also to take into account COI included in paragraph 2.1.5 of the CIG, which highlights that effective protection may not be available in certain parts of Pakistan:

Excerpt from CIG on Fear of Taliban and other militant groups

2.1.5 Attacks by the Pakistani Taliban and other militants against police and security forces in some parts of Pakistan; a lack of resources limited the governments’ ability to implement effective control and enforce the law. This was principally so in the FATA and in rural areas of Khyber Pakhtunkhwa and Balochistan.

COI included in the October 2014 CIG on ‘Background information, including actors of protection, and internal relocation’ and additional COI found in the public domain further challenge the guidance provided in this module and in the module on ‘Background information, including actors of protection, and internal relocation’ that in general, effective protection is available in Pakistan. See the comments above on that particular module: [‘Country Information and Guidance report: Background information, including actors of protection, and internal relocation \(October 2014\)’](#).

Is the person able to internally relocate within Pakistan to escape that risk?

Excerpt from CIG on Fear of Taliban and other militant groups

1.3.6 A person who has a localised threat on the basis that they are perceived to be collaborating with the Pakistani authorities, or to be acting against the Taliban or other militant groups, may be able to relocate to an area where that localised threat does not exist.

1.3.7 Decision makers must refer to the more general guidance on 'Internal Relocation' and make a case-specific assessment of the particular profile of the person, the nature of the threat and how far it would extend and whether it would be unduly harsh to expect them to relocate.

For a suggested strategy to approach researching both the relevance and reasonableness of internal relocation, see above comments made on the module: '[Background information, including actors of protection, and internal relocation \(October 2014\)](#)'. Also see the database of useful sources to consult on the security and humanitarian situation in Pakistan to assist in internal relocation is available. These have been included in the [Appendix](#).

2. Information

2.1. Overview

Paragraphs 2.1.1 – 2.1.4 provide COI and links to additional sources documenting the security situation in Pakistan, mainly in relation to 2013. Given the fast-changing security situation in Pakistan it is imperative to conduct up-to-date COI research addressing the security situation and the threat of indiscriminate violence in Pakistan, including the reach of the Taliban and other militant groups. A database of useful sources to consult on the security situation in Pakistan to assist in case specific research on a particular location has been included in the [Appendix](#).

C. Prison conditions (July 2014)

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

The CIG finds that prison conditions in Pakistan “may” breach the Article 3 threshold in individual cases, but in general “will not reach the high threshold for a breach of Article 3 ECHR”:

Excerpt from CIG on Prison conditions

1.3. Consideration of issues

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 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.

Yet, COI included in paragraphs 2.1.1, 2.1.2, 2.1.3, and 2.1.5 highlight the “prevalence” and “rampant” use of torture and ill-treatment of detainees:

Excerpt from CIG on Prison conditions [emphasis added]

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’.

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.’

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.’

[...]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.’ **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.**’ The same report stated that ‘at least 8,526 people were on death row at the end of the year.’

Additional COI available in the public domain and published in 2014 continue to highlight the prevalence of torture and ill-treatment of detainees:

➤ [Dawn, Between life and death, 7 September 2014](#)

[...] The rights activist adds that most of the prisoners on death row, who gradually develop ‘death row phenomenon’ or ‘death row syndrome’, are mostly so worn out mentally and physically that they don’t even understand the situation they are really in. This uncertainty is compounded thanks to the 2008 moratorium. The condemned prisoners are locked in separate cells, away from the general barracks which, in itself is a mental torture, as these ‘black cells’ are a reminder of imminent death, Haider says.

There is little awareness of mental health issues and psychological illness in Pakistan in general, and jail authorities are, as one would expect, indifferent to such issues. Haider laments that prison rules are silent over whether a prisoner can call a psychologist or psychiatrist from the outside.

“When we file an application, demanding permission for a psychologist’s meeting with our client, our plea is mostly rejected. Instead, the jail’s own medical officer or a doctor from a public hospital checks the prisoner very briefly and rules out any psychological issues,” Haider says. [...]

➤ [International Rehabilitation Council for Torture Victims, Torture in Pakistan, September 2014](#)

[...] 2 Who are the victims?

Victims do not belong to a specific group as the phenomenon of torture is widespread. While victims are mostly male, females are equally vulnerable. Victims can be of any origin or ethnicity. Torture takes place at different times within different socio-economic groups. Arbitrary arrests of individuals are frequently made under the excuse of the ‘war on terror’ and result in torture. Arrests of members of privileged groups, which are sometimes made to demonstrate police impartiality, also often lead to torture.

3 Who are the perpetrators?

Prison and detention staff

Police

Military personnel and rangers

4 Where does torture take place?

Torture takes place primarily in places of detention, such as police stations.

Overall situation of torture

Torture in Pakistan is increasingly common throughout the country and takes different forms in different circumstances. Reasons for the infliction of torture include to obtain a confession, information, or as punishment with the purpose of causing mental and physical harm. The fight against torture fails victims in the areas of prevention, rehabilitation and in access to justice. Perpetrators are frequently not brought to justice. Torture victims’ right to rehabilitation is not respected. [...]

➤ [OMCT/Human Rights Commission of Pakistan, Pakistan: Time for real efforts to eradicate torture and implement the Convention against Torture, 26 June 2014](#)

[...] “Four years ago, Pakistan ratified UNCAT and thereby committed itself to eradicating torture. Yet torture remains today one of the most serious human rights problems in Pakistan. Our country continues to fall short in complying with its obligations. No serious efforts have been made to give effect to the UNCAT. As of today, Pakistan has not submitted its initial state report, which is mandatory under the UNCAT”, says Zohra Yusuf, Chairperson of the HCRP.

[...] Also the Pakistan Penal Code does not define torture in line with the definition of the UNCAT. Four years after the ratification it is high time that the government criminalizes torture, by first and foremost including the definition of torture into its penal code. The OMCT and the HRCP further call on the government to amend the penal code by introducing the following: 1) guarantees that an order from a

superior officer or a public authority may not be invoked as a justification for committing torture; 2) an effective mechanism to promptly, impartially and thoroughly investigate any allegation of torture; 3) the right to compensation to the victims of torture and; 4) ban on the use of evidence obtained through torture. [...]

➤ [Human Rights Watch, Pakistan: Fully Investigate Deadly Shootings: Lethal Force Used Against Stone-Throwing Protesters in Lahore, 17 June 2014](#)

[...] The police and other security forces have been responsible for numerous abuses, including torture and other ill-treatment of criminal suspects, extrajudicial killings, and unresolved enforced disappearances. "Pakistan's security forces have a history of using excessive force against civilians with impunity," Adams said. "A transparent and impartial investigation into the Lahore shootings is necessary to prevent even greater distrust of the security forces." [...]

D. [Land Disputes](#) (July 2014)

Is there effective protection?

The CIG finds that effective protection from the authorities for persons fearing ill-treatment because of land disputes is available due to the established judicial processes in place:

Excerpt from CIG on Land Disputes

1.3. Consideration of issues

1.3.3 There are established judicial processes in place in Pakistan for the resolution of land disputes. A person who fears ill treatment by other parties to land disputes will be able to seek effective protection from the authorities.

1.3.4 In addition, in each case, decision makers must consider whether there are specific circumstances – such as any other factors linked to the land dispute (e.g. politics, religion, “honour”) – that give rise to a particular need for protection and whether that protection is available. [...]

Policy summary

[...] Decision makers must assess whether there are other factors linked to the land dispute, however, where it is an inter-family or intra-family dispute, it is unlikely to come within one of the five Convention reasons.

Judicial systems exist in Pakistan for the resolution of land disputes. Those in fear of ill-treatment by other parties to land disputes will in general be able to seek effective protection from the authorities.

Additionally or alternatively, internal relocation is likely to be a realistic and reasonable prospect.

A person who fears persecution or mistreatment solely on the basis of a land dispute is unlikely to merit a grant of asylum or Humanitarian Protection, but each case should be examined on its individual merits.

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

However, COI included in the CIG highlights that the judicial systems in place for the resolution of land disputes may not provide effective remedy (see paragraphs 2.1.1 and 2.1.3), that ‘land grabbers’ are well-connected to corrupt police (see paragraphs 2.1.2 and 2.1.3), which all undermine the Pakistani authorities’ ability and willingness to provide effective protection (paragraphs 2.1.1 and 2.1.5).

COI included in the October 2014 CIG on ‘Background information, including actors of protection, and internal relocation’ and additional COI found in the public domain further challenge the guidance provided in this module and in the module on ‘Background information, including actors of protection, and internal relocation’ that in general, effective protection is available in Pakistan. See the comments above on that particular module: [‘Country Information and Guidance report: Background information, including actors of protection, and internal relocation \(October 2014\)’](#).

More recent COI available in the public domain covering 2014 reports specifically on the situation in Karachi with regards to land grabbing and the ineffectiveness of police protection, whilst other sources continue to report that blasphemy laws are used to settle personal land and business disputes, resulting in “arbitrary enforcement” by the police and judiciary:

- [Amnesty International, Urgent Action: Woman sentenced to death for blasphemy, 24 October 2014](#)

[...]The blasphemy laws have fostered a climate of religiously motivated violence, leading to the targeting of religious minorities and Muslims alike. These laws are often used to make unfounded malicious accusations to settle personal scores in land and business disputes. They are vaguely formulated and arbitrarily enforced by the police and judiciary in a way that amounts to harassment and persecution of

both religious minorities and Muslims. On numerous occasions people held in prison on blasphemy charges have been killed by fellow detainees or prison officials. Individuals accused of blasphemy have also been killed by vigilante mobs outside prison. [...]

- [BFA Staatendokumentation \(Austrian Federal Office for Immigration and Asylum, COI unit\): regiones et res publicae - Country Analysis Reports: Pakistan - Challenges, October 2014](#)**[emphasis added]**

[...] Mob violence due to blasphemy rumours

[...] Minority organisations and Pakistani media expressed suspicion that the riots were neither a random outbreak of violence nor a pure expression of spontaneous anger, but rather planned and incited and the mob assembled of students from madrassas elsewhere, not of local Muslims, as the local religious groups get along well with each other. From PIL's and NCJP's point of view extremists are behind such mob violence aiming at causing insecurity, destabilizing the situation and spreading the feeling of insecurity. **Another suspicion is that economically influential people or groups are behind the accusations of blasphemy against Christians in an attempt to acquire their land. As such, media expressed the assumption that the riots in Lahore might have been instigated by the owner of a nearby factory owner.**

- [Inter Press Service, Karachi Residents Trapped Between Armed Assassins and Private Bodyguards, 20 August 2014](#)

With a rise in sectarian killings, extortion, drug peddling, kidnappings and land grabbing, Pakistan's sprawling port city of Karachi, home to some 20 million people, has become a hotbed of crime. Fearing that they may soon bear the brunt of this lawlessness, the city's elite – often the target of kidnapping for ransom – has begun hiring personal bodyguards and moving through the streets in armoured or bombproof vehicles. The result, experts say, is an increasingly dangerous city, where trigger-happy thugs operate with impunity, while an understaffed police force struggles to keep tabs on rampant crime. A recent study carried out by the Sindh Province police indicates that the available strength of the police force in Karachi is just 26,847, of which 8,541 are deployed to protect individuals and sensitive installations like the port, airport and oil terminal, among others. Some 3,102 policemen are assigned to investigation. Only 14,433 policemen, working on back-to-back shifts of 12 hours each, are responsible for maintaining law and order, and protecting the lives and properties of ordinary Karachi residents. That works out to just one policeman per 1,524 people in a city that clocked 40,848 crimes (with 2,700 people killed) in 2013, making it one of the most dangerous places in the world. [...]

Paragraph 2.1.4 includes illustrative examples of land disputes that have resulted in violence.

Excerpt from CIG on Land Disputes

2.1.4 The following reports are illustrative of the prevalence of land disputes that result in violence: In March 2014, an article published by Dawn reported on the killing of four people in an alleged land dispute. In May 2013, Geo.TV reported on a land dispute over a piece of agricultural land that killed five people and injured three more in Shikarpur. The same article noted that 'more than 34 people of both parties have already been killed in this dispute.' The Express Tribune reported in March 2013 about the shooting of four persons by rival group over a land dispute in Tumair, Islamabad Capital Territory, killing and injuring two.⁸ With regards to land disputes in Pashtun areas, primarily located in FATA, the U.S. Department of State noted in its annual report covering 2013 that 'Frequently disputes arose over women and land. They often resulted in violence.' In November 2012, The Nation reported that a youth was killed and his father sustained gunshot wounds in Pakpattan when rivals fired on them over a land dispute. In January 2012, fourteen members of the same family were killed by members of another family as part of an on going feud and dispute over land in the city of Gujranwala.

Additional non-exhaustive examples reporting on the continued prevalence of such incidents specifically leading to violence and deaths throughout 2014 are listed below. Due to the sheer number of reported cases limited incidents have been included as illustrative examples of the nature of violent land disputes that are occurring:

- [The News, Man kills father over land dispute, 5 October 2014](#)
HAFIZABAD: A man shot dead his father over a land dispute at MohallahSadabad, PindiBhattian, on Saturday.
Safdar Ali had a dispute with his father Muhammad Iqbal. On the day of the incident, both had an exchange of hot words with each other. Later, Safdar opened fire on his father, killing him on the spot. [...]
- [Dawn, Land dispute claims two lives, 1 September 2014](#)
TIMERGARA: Two people were killed and two others injured when their rivals opened indiscriminate fire on them at Hajiabad area in the area limits of Balambat police station on Sunday.
The dead and the injured belonged to the same family.
Local residents and police said that a land dispute between the two families led to the incident. They said those killed were identified as Daud and Liaqat, while the injured, Javed and Daulat Khan, were taken to district headquarters hospital where their condition was stated to be stable.
Local people recalled that several people had been injured in exchange of fire between the two groups two years ago. The Balambat police claimed that they had arrested one of the nominated accused identified as Naushad and also recovered illegal weapons from his house.
- [Dawn, Tribal elder killed over land dispute, 14 August 2014](#)
LANDI KOTAL/KHAR: A tribal elder was killed and 25 persons including women and children were injured in three different incidents in Khyber Agency on Wednesday.
Sources in Malagori area of Jamrud said that exchange of fire between two rival groups left tribal elder Malik Yousuf Shah dead and another person from the rival group injured.
They said that Yousuf Shah had a land dispute with his rival Gul Akbar and they fired at each other when they came face to face in Malagori on Wednesday. [...]
- [The News, Land dispute claims life 13 August 2014](#)
JARANWALA: A man was shot dead over a land dispute in Chak No 59/GB on Tuesday. Mohammad Asif and his accomplices shot dead Mohammad Latif, who was going to a poultry farm. The reason behind the killing was stated to be a land dispute.
- [The News, 4 of a family shot dead over land dispute in DirBala, 9 August 2014](#)
DIR BALA: Four persons of the same family were shot dead and two women injured over a land dispute in Tehsil Barawal on Saturday here, Geo News reported. Police said that the incident occurred at KharaSonai Dara in Tehsil Barawal, where some armed persons barging into the house opened fire killing four persons of the same family and wounded two women. Police said that the deceased had some land dispute with their relations.
- [Dawn, Land dispute claims two lives, 6 August 2014](#)
SWABI: Two persons were killed and two others suffered injuries when rival groups clashed over a land dispute in Palodand village of Saleem Khan area here on Tuesday. Police said that rivals attacked Sabaz Ali, son of Sahib Khan, while he was going home on a motorcycle near government primary school in Palodand, injuring him and two passers-by. Later Sabaz Ali succumbed to injuries, while the two injured identified as Abdul Khaliq and Imtiaz Khan were shifted to hospital. Police said after the incident, members of Sahib Khan's group shot dead rival, Hasham Khan, near Abu Banda. They said a jirga was called to resolve the land dispute between the families of Hasham Khan and Sahib Khan, but members of the rival parties exchanged harsh words and left the jirga without arriving at a settlement. The jirga was held at the residence of Pakistan Muslim League-N leader Muqarab Khan. When contacted, a jirga member said the meeting was dispersed after the two groups exchanged verbal brawls and tried to attack each other. Khaisur Rehman, member of Sahib Khan's family, registered an FIR against Sher Afsar Khan and Musa Khan of the Hasham Khan group. Police said Hasham's family had not yet registered a case into the incident.
- [Dawn, Three shot dead over land dispute, 21 July 2014](#)
BATKHELA: Three persons were killed and two others were injured when their rivals opened indiscriminate fire on them over a land dispute in Sakhakot area on Sunday. Malakand Levies officials identified the

victims as Faiz Mohammad, Adnan and Hameed Khan and the injured Amjad and a woman, mother of the victim, Hameed. The officials said that identity of the suspects from the rival group was yet to be ascertained. They said an FIR into the case was yet to be registered as no one from the victims' family had approached the police in the murder case. Meanwhile, one person was killed and three others were injured in exchange of fire between two groups. According to local people rival parties exchanged hot words and then took arms and started firing at each other. They identified the victim with the name of only Qari, while the identity of the injured was yet to be ascertained. The injured were taken to hospital in critical condition.

➤ [The Nation, Woman, two sons killed over land dispute, 22 July 2014](#)

RAWALPINDI - A mother and her two sons were gunned down by their relatives over land dispute in Spyali village of Gujar Khan on Monday. The deceased were identified as Fatima Kaneez, 52, Faisal Mehmood, 35, and Danish Mehmood, 22. The dead bodies were shifted to hospital for autopsy while police registered a murder case against the accused. According to Aslam Shehzad, sub-inspector (SI) and investigation officer (IO) of the case, there has been a land dispute between the victim family and their relatives since long. He said that on the day of incident, Fatima Kaneez along with her two sons Faisal and Danish visited the disputed land where their opponents Muhammad Sajjad, Muhammad Ehtesham and Muhammad Imran, who were carrying weapons, attacked them. They opened indiscriminate firing on the lady and her sons killing them on the spot. Shahzad said that husband of the victim lady was already shot and injured during an attack launched by his opponents in 2013 and their cases were pending with Anti-Terrorism Court (ATC) Rawalpindi. Rescuers shifted the dead bodies to hospital and they were handed over to the heirs after post mortem. SHO Akbar Abbas, when contacted, said that first information report (FIR) has been registered against the accused; however the culprits are at large.

➤ [The News, Two MQM men among five killed, 17 July 2014](#)

[...] Two killed

Two men were shot dead and two others injured in an attack in Gulistan-e-Jauhar. Abdul Jaleel, Raja Manzoor, Daniyal and Ali were sitting outside the Abbas Imambargah located in Pehalwan Goth when four attackers riding two motorcycles opened fire at them from close range. All four were rushed to a private hospital where Jaleel and Manzoor, both aged 35, passed away. The condition of the other two men was said to be stabilising.

Despite the sectarian tinge, Sharee Faisal SDPO Chanzeb Khan told The News that the murders were carried out over a land dispute [...]

➤ [The News, Land dispute claims six lives in Kurram Agency, 9 July 2014](#)

KURRAM AGENCY: At least six people were killed and 13 others wounded in firing between two groups at Jirga in Kurram Agency here, Geo News reported. Sources said a Jirga was underway to settle land dispute between two groups in Gaidu, the border area of the Agency, when the participants opened fire on each other after exchange of hot words. As a result, six people were killed instantly and 13 others injured. The injured were rushed to Parachinar hospital for treatment.

➤ [The News, Three killed over land dispute in DG Khan, 25 May 2014](#)

DERA GHAZI KHAN: Three people including a woman were killed and four others injured as gunman opened fire here on late Saturday night over a land dispute. Police said that gunman barged into a house located near Gadi Morh in Tehseel Taunsa and opened fire, killing three and injuring four others. The injured were taken to Tehseel Headquarters Hospital for treatment. The police said that the victims and attackers belonged to a same clan and had an old enmity over a land dispute. The police have registered a case and launched inquiry.

➤ [The News, Man killed over land dispute, Bilal Khar booked, 4 May 2014](#)

Police have registered a case against Bilal Khar, son of former Governor Punjab Ghulam Mustafa Khar on charges of killing a man over land dispute, Geo News reported. According to details, younger brother of Ghulam Mustafa Khar, Murtaza Khar called his nephew Bilal Khar when opponent group came at the disputed land to reap the crop. This led to an armed clash and a man identified as Amjad Ali was killed in the shooting. Father of deceased Amjad has alleged that his son was killed in the firing by Bilal Khar. The

heirs of the deceased, along with the dead body, staged protest demonstration at G T road. MNA JamshedDasti also participated in the protest. Meanwhile, Ghulam Mustafa Khar has stated that Bilal and Murtaza resorted to aerial firing over land dispute, however, they returned after the opponents snatched their weapons. He said neither his son nor his brother is involved in killing. Meanwhile, police have registered case against three persons including Bilal Khar.

- [The News, Former senator kills brothers over land dispute near Peshawar, 14 March 2014](#)
PESHAWAR: A former senator, along with his accomplices, allegedly shot dead his two brothers during an exchange of fire in Chamkani area here on Thursday. According to Chamkani police, AbdurRehman, a former senator, and his accomplices shot dead two brothers over a land dispute. The bodies were taken to the Lady Reading Hospital. Police have arrested nine people, including the former senator.
- [The News, Sialkot: Man throw opponents son in canal over land dispute, 6 March 2014](#)
SIALKOT: A man threw his relatives minor son Ubaid Raza, 8 into Lower Chenab Canal near Head Marala after kidnapping him near his house in village PindiPanjoraan Sialkot here Thursday. Police arrested the accused identified as Azam admitted that he killed the child by throwing him into the canal after kidnapping him over a land dispute with the father of the deceased.
The dead body of the ill-fated child has not yet been recovered.
- [The News, Man sets his brother house on fire over land dispute; 3 kids dead, 13 February 2014](#)
DERA GHAZI KHAN: A man set his brother's house on fire in Dera Ghazi Khan over a land dispute, killing three kids and injuring six others including a woman, in the wee hours of Thursday. According to police, the accused, Suleman, managed to flee after setting his brother Muhammad Qasim's house on fire. A one-year old Hassan, five-year old Zehra and fifteen-year old Samreen burnt to death while Qasim, his wife Musarrat Mai, and two sons and two daughters sustained injuries. Qasim's mother said that her son Suleman had threatened to kill all of them if they wouldn't give him a big share of land. The bodies and injured people are shifted to hospital.
- [The News, Man kills uncle over land dispute, 17 January 2014](#)
MARDAN: A young man allegedly killed his uncle over a land dispute in the limits of GhariKapura Police Station, official sources said on Thursday. Siddique Khan, a resident of Mohib Banda, reported to the police that his father NoorulHaq was a watchman at an under-construction checkpost in MohibBanda. He said last night his cousin Yasir Khan reached there and allegedly started firing at him due to a land dispute. As a result, he died on the spot. The police registered the case.
- [The News, Two die over land dispute, 2 January 2014](#)
JAMRUD: Two people were killed as two groups resorted to firing over a land dispute in the Jamrud Tehsil of Khyber Agency on Wednesday. The deceased were identified as Ahmad and Fateh.

Is the person able to internally relocate within Pakistan to escape that risk?

Excerpt from CIG on Land Disputes

1.3.5 Relocation within Pakistan is generally available and reasonable. This assessment will need to be based on the facts of the individual case.

The guidance provided in paragraph 1.3.5 does not take full account of the relevance and reasonableness of internal relocation which needs to be considered when making such an assessment, including the ability of the persecutor to pursue the claimant in the proposed site of relocation, and whether effective protection is available in that area. The age, gender, health, ethnicity, religion, financial circumstances and support network of the claimant, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including the claimant's ability to sustain themselves need also to be considered. See above comments made on the module: '[Background information, including actors of protection, and internal relocation \(October 2014\)](#)'

E. [Pakistan: Women](#)(July 2014)

Is there effective protection?

Women victims of domestic violence

The 'policy summary' of the CIG on 'Women' is inconsistent with both the COI and other guidance presented in this module as to whether effective protection is available for women fearing sexual or gender-based violence. The 'policy summary' states:

Excerpt from the CIG on Women

Policy summary

[...] Effective state protection is, in general, unlikely to be available for women fearing gender based violence. However, each case needs to be carefully considered on its facts.

However, this is inconsistent with the preceding guidance section '1.3. Consideration of issues' the CIG states with regards to 'Women victims of domestic violence' that (emphasis added):

Excerpt from the CIG on Women

Is there effective protection?

[...] Women victims of domestic violence

1.3.5 Women who experience domestic violence are in general able to seek effective protection from the authorities. In the country guidance case of KA & others (July 2010), the Upper Tribunal found that the network of women's shelters (comprising government-run shelters (DarulAmans) and private and Islamic women's crisis centres) in general affords effective protection for women victims of domestic violence, although there are significant shortcomings in the level of services and treatment of inmates in some such centres.

The COI included in this module and available in the public domain further indicates that the police are generally both unable and unwilling to provide protection for women fearing sexual or gender-based violence and that women are disproportionately exposed to injustice when seeking assistance from the authorities. COI is included in the CIG which documents:

- An absence of clear legislation criminalising domestic violence and marital rape (paragraphs 2.2.2 and 2.2.14)
- Women reporting rape are viewed as a suspect as it is generally believed that no decent woman would venture into a police station (paragraph 2.2.4), or are 'false accusers' (paragraph 2.2.5)
- The police may refuse to investigate a woman's case, viewing it as a 'private matter' (paragraphs 2.2.4; 2.2.7 and 2.2.11), or that husbands have the right to beat their wives (paragraph 2.2.11)
- Women face abuse by police and in some cases, rape when reporting gender-based violence (paragraphs 2.2.7; 2.2.15 and 2.2.17)
- The authorities lack the training, resources, equipment and skills to properly investigate a case (paragraphs 2.2.6 and 2.2.17)
- There are a lack of women police officers and women police stations (paragraphs 2.2.5 and 2.3.3)
- Bribery, extortion and coercion are used to discourage or falsify reporting crimes against women (paragraph 2.2.4), and police may demand a bribe to open a case (paragraph 2.2.17)
- Perpetrators are generally more powerful and resourceful than victims, with the resulting pressure to opt for an out of court settlement (paragraph 2.2.6) and the authorities usually return abused women to their abusive family members (paragraphs 2.2.4 and 2.2.11).

- Women are reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives (paragraph 2.2.11), relatives are hesitant to report abuse due to fear of dishonouring the family (paragraph 2.2.11), family members have encouraged rape victims to commit suicide (paragraph 2.2.14)
- Insensitive and gender-biased behaviours during trials (paragraph 2.2.18)

Additional source excerpts not included in the CIG published in 2014 and 2013 which further document these practices are [provided below](#).

Also see comments above on the Pakistan CIG [‘Background information, including actors of protection, and internal relocation’](#) which addresses the general failings of the authorities in providing effective protection.

Although included in the CIG on Religious Freedom at paragraph 2.4.7 ([addressed below](#)), the CIG on Women does not include UNHCR’s Eligibility Guidelines position on Christian women (emphasis added), nor does it include any other COI on this specific profile:

- [UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, 14 May 2014](#)

[...] A. Potential Risk Profiles

[...] 2. Christians

Amongst the most marginalized sections of society, Christian women and girls are particularly at risk of sexual and gender based violence, forced conversion to Islam and forced marriage by Muslim men, as well as discrimination and violence, including honour killings, at the hands of their own communities. **Law enforcement authorities are reportedly unable or unwilling to protect victims of forced marriage and other forms of sexual and gender based violence.** In a positive development, on 15 November 2011, the National Assembly passed the Prevention of Anti-Women Practices (Criminal Law Amendment Act) 2011,201 which renders forced marriages a criminal offence punishable by imprisonment for up to 10 years.202 It is however, too early to ascertain the effect of the law. [...]

The CIG cites the position of *KA & others* with respect to whether shelters can provide effective protection:

Excerpt from the CIG on Women

Is there effective protection?

[...] Women victims of domestic violence

1.3.5 Women who experience domestic violence are in general able to seek effective protection from the authorities. In the country guidance case of *KA & others* (July 2010), the Upper Tribunal found that the network of women’s shelters (comprising government-run shelters (DarulAmans) and private and Islamic women’s crisis centres) in general affords effective protection for women victims of domestic violence, although **there are significant shortcomings in the level of services and treatment of inmates in some such centres.**

Whilst paragraph 1.3.5 indicates that “there are significant shortcomings in the level of services and treatment of inmates in some such centres”, details on the nature or extent of these shortcomings are not included in the ‘Consideration of Issues’ section of the guidance. COI included in this module indicates that these shortcomings include:

- A lack of government run shelters, appropriately trained staff, and resources (paragraphs 2.2.6; 2.3.1; 2.3.2 and 2.3.3)
- Government shelters are only open for certain hours of the day and women are provided with shelter for limited periods of time (paragraph 2.3.2)

- In some cases women are abused at the government-run shelters and their movements severely restricted (paragraph 2.3.2)
- Both government and NGO-run shelters try to reconcile women with their families (paragraphs 2.3.2 and 2.3.3), due to the difficulties of single women living alone in Pakistan society (paragraph 2.3.3).

Additional COI presented [below](#) from 2014 and 2013 further demonstrates the inadequate supply and mismanagement of shelters, which are still considered taboo and stigmatising to women.

It is considered that these issues undermine the contention that shelters are able to provide durable protection to women.

Note that the CIG mentions in assessing whether women who are fleeing a risk of violence have a viable internal relocation alternative, that decision makers must not only have regard to the treatment of women by the police and the availability of temporary shelters/centres but also to the situation women will face after they leave such centres:

Excerpt from the CIG on Women

1.3. Consideration of issues

[...] Is a woman able to internally relocate within Pakistan to escape that risk?

[...] 1.3.16 In assessing whether women who are fleeing a risk of serious domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.

It is considered that this factor should also be a relevant consideration with regards to whether effective protection is available to women given that if women do succeed in getting one of the very limited places available at a shelter, this will only offer short-term, temporary protection.

In relation to whether shelters are able to provide effective protection, note that Article 7 of the 2004¹ EU Qualification Directive established that protection can be provided by: (emphasis added):

[European Union, Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)

[...] Article 7

Actors of protection

1. Protection can be provided by:

(a) the State; or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State.

2. Protection is generally provided when the actors mentioned in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

¹ N.B. in 2011 the EU recast the Qualification Directive which applies to all EU Member States except the UK, Ireland and Denmark which opted out. The UK continues to be bound by the 2004 Directive. The [recast Directive](#) amends Article 7 (1) relating to actors of protection in so far as it clarifies that protection **can only be** provided by the actors set out in Article 7 (b), and **provided they are willing and able to offer protection in accordance with paragraph 2**. Paragraph 2 now requires that **Protection against persecution or serious harm must be effective and of a non-temporary nature**(emphasis added).

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Council acts. [...]

An under-resourced shelter offering short-term stays clearly does not come under this definition of actors which are able to provide protection. Note the position of the European Council on Refugees and Exiles (ECRE):

non-state actors should never be considered as actors of protection. Non-State actors cannot be held accountable under international law and are often only able to provide protection which is limited in duration and scope. Given the inclusion of the requirements to provide protection which is effective and non-temporary it is extremely unlikely that non-State actors will be able to fulfil this requirement in practice.²

Women who have reported being raped

With regards to the protection available for women who are victims of rape the guidance states that:

Excerpt from the CIG on Women

Is there effective protection?

[...] Women who have reported being raped

1.3.6 The Protection of Women (Criminal Laws Amendment) Act 2006 has introduced significant changes to the consideration of rape cases in the courts and demonstrates the will of the authorities to address the problem. Some police have, however, reportedly been implicated in rape cases in some instances, especially with regard to the treatment of the victim.

It is considered that the introduction of legislation, without information on its implementation is not illustrative of the will of the authorities to provide durable protection to women who have reported being raped. Moreover, this section of the guidance makes only reference to one of the issues documented in the CIG that indicate that police are unable and unwilling to provide protection for women fearing gender-based violence as listed above (i.e. that police are reportedly implicated in rape cases).

With specific regard to victims of rape, there is also evidence in the CIG that illustrates that:

- Prosecutions of reported rapes are rare (paragraph 2.2.15)
- Rape victims who do not meet the high evidentiary requirements risk prosecution for extra-marital sex (paragraph 2.2.15) and extrajudicial resolutions to rape accusations are common, with a victim often forced to marry her attacker (paragraph 2.2.17).
- The law requires a complaint to be made directly to a sessions court, a trial court for heinous offences. NGOs reported that it created other barriers for rape victims who could not afford to travel to the courts or access the courts (paragraph 2.2.16)

Additional COI presented below further demonstrates that prosecutions of reported rapes are rare and that rape victims are often forced to marry their attacker.

²[ECRE, ECRE Information Note on the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted \(recast\), 7 October 2013](#)

Non-exhaustive, illustrative source excerpts not included in the CIG published in 2014 and 2013 further document the following practices which seriously undermine the ability and willingness of the authorities to provide protection for women fearing sexual or gender-based violence:

- [An absence of clear legislation criminalising domestic violence and marital rape](#)
- [Women reporting rape are viewed as a suspect as it is generally believed that no decent woman would venture into a police station, or are 'false accusers'](#)
- [Women face abuse by police and in some cases, rape when reporting gender-based violence](#)
- [The authorities lack the training, resources, equipment and skills to properly investigate a case](#)
- [There are a lack of women police officers and women police stations](#)
- [Bribery, extortion and coercion are used to discourage or falsify reporting crimes against women, police may demand a bribe to open the case](#)
- [Perpetrators are generally more powerful and resourceful than victims, with the resulting pressure to opt for an out of court settlement and the authorities usually return abused women to their abusive family members](#)
- [Women are reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives, relatives are hesitant to report abuse due to fear of dishonouring the family, family members have encouraged rape victims to commit suicide](#)
- [Insensitive and gender-biased behaviours during trials](#)
- [Prosecutions of reported rapes are rare](#)
- [Extrajudicial resolutions to rape accusations are common, with a victim often forced to marry her attacker](#)
- [Inadequate supply and mismanagement of shelters, which are still considered taboo and stigmatising to women.](#)

An absence of clear legislation criminalising domestic violence and marital rape

- [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] Since issues pertaining to the family sphere continue to be largely perceived as “private matters”, Pakistan is still lacking in the legislation of a specific law against domestic violence (which mainly includes verbal offence, isolation and reclusion within the domestic walls, restriction of several rights such as financial independence and freedom of thought, forced sexual intercourse and marital rape, battering and other forms of physical beating). [...]

- [Dawn, Tackling domestic violence, 11 February 2014](#)

[...] THE Balochistan Assembly recently passed the Domestic Violence (Prevention and Protection) Bill, 2014. The legislation appears to generally follow the pattern of the landmark bill passed on the same issue by the Sindh Assembly in March 2013, the only other province to have passed such legislation.

It defines different forms of domestic violence, including physical, sexual and economic abuse, stalking, harassment, etc. as well as verbal and emotional abuse, although the definition of the latter is not as wide-ranging as that in the Sindh legislation. The Balochistan bill expands the ambit of domestic violence to also include violence visited upon domestic servants.

“The main gap I can see in it is that [unlike the Sindh legislation] there are no direct penalties specified for abuses that aren’t covered by the Pakistan Penal Code,” says Khawar Mumtaz, chairperson of the National Commission on the Status of Women (NCSW). “These penalties are to be decided by the protection committees, although the bill does include penalties for breaching the committee’s orders.”

After the 18th Amendment in April 2010, provinces and the Islamabad Capital Territory (ICT) became individually responsible for legislation on devolved subjects, including women’s rights. (Legislation for the ICT is passed by the Senate and the National Assembly. The ICT’s domestic violence bill was only passed by the Senate which means it has not yet become law.) [...]

At present, in Khyber Pakhtunkhwa the bill on domestic violence has been referred to a house committee for further deliberation while in Punjab, a draft is being worked upon by a technical committee. Some rights activists perceive that the slow progress is because women’s rights legislation is low priority for the parties currently in power.

“Moreover, women’s rights legislation is usually introduced by women legislators through private member’s bills,” says Ms Haroon. “There tends to be less ownership of such bills than of bills introduced by the government.”

After legislation comes into effect, follow-up also tends to be slow. In Sindh, for instance, the provincial commission that is to implement the province’s domestic violence law has yet to be set up. [...]

- [War Against Rape & Aurat Foundation, Pakistan, Women’s Access to Justice in Pakistan, undated \(submitted to the Committee on Women’s Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] II. Relevant Laws on Rape & Sexual Assault

[...] There has been confusion as to whether the law covers marital rape. In this respect, this discussion must draw notice to the previous wording of Section 375, prior to the 2006 amendment. The law previously stated: “A man is said to commit rape who has sexual intercourse with a woman, who is not his wife....”

The removal of the words ‘who is not his wife’ in 2006 evidences that there was a concerted move to include marital rape within the law. However, there has been no case of marital rape having been reported, most likely due to the ambiguity of the law and socio-cultural lack of acceptance of marital rape as an offence. [...]

Women reporting rape are viewed as a suspect as it is generally believed that no decent woman would venture into a police station, or are ‘false accusers’

➤ [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

[...] Sources privy to rape investigations reveal that due to socio-cultural mores police usually try to put the blame on complainants and prove that rape victims are women of loose morals. Their perception is that a woman who has really been raped would not dare to report the crime out of shame and fear of public humiliation.

If the victim has had any association with the alleged rapist or has been socially active or has a 'modern' lifestyle, police tend to believe that her allegations are fabricated.

Legal provisions in Pakistan also make this possible. ShahidGhani, a Lahore-based lawyer, cites such a provision: "When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character."

He says this provision allows for looking into a victim's history to prove that she may not be innocent and may be sexually active. [...]

➤ [Dawn, Alarm at rise in rape incidents, low conviction rate, 11 October 2013](#)

[...] Sara Zaman of the War Against Rape (WAR) said that a victim's troubles started with her first contact with police. "If she succeeds in lodging an FIR with police, she is among the fewer lucky ones among a whole lot," said Ms Zaman. [...]

Even chemical examiners bluntly called the victims shrewd and declared them impostors before a case formally went to court, she said. [...]

➤ [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] Women's access to justice is restricted from the outset, when they cannot disclose what has happened to them without inviting public scrutiny and shame onto themselves and their families. If they do find the courage, they are often disbelieved or reprimanded for being part, if not entirely responsible. The first point of access, the Police (though it should not be, given the importance of medical intervention at the initial stage), is usually apathetic and often turns the offense around by blaming the woman for inviting trouble onto herself. In cases of incest, victims are disbelieved as a matter of routine, unless they can present many witnesses to back their claim, particularly the men in her family (Zaman & Rasheed, 2012). [...]

IV. Prosecuting Rape: Institutional and Structural Systems - Gaps and Limitations[...]

The Police Surgeon, who was interviewed for the study held that, "90 percent of reported cases are not actually rapes and ulterior motives are at play". In an older interview with the Chief Chemical Examiner for Sindh and Baluchistan, the Examiner told one of the authors of this report that, "Women who come with physical evidence of rape are not to be believed". This opinion is shared too often by public office holders across the board which leaves women in a strange dilemma: what is the right amount of evidence and how should it be presented? [...]

The pervasive mentality across the criminal justice system is that if a woman was truly raped, she would not tell anyone out of shame. [...]

Women face abuse by police and in some cases, rape when reporting gender-based violence

➤ [Dawn, 'Rape' victim commits suicide, 29 July 2014](#)

BAHAWALPUR: Failure to get justice from police and receiving threats from the main accused, an alleged gang-rape victim committed suicide by hanging herself from a ceiling fan at her house in village 56-DB near Yazman, about 30km from here, late on Sunday night.

Police said the suspect along with his accomplice abducted a matric student from outside her house on a motorcycle last month. They took her to their outhouse near the village canal where their three accomplices were already present. Later, she was gang-raped.

Yazman police claimed to have registered a case on June 8, but did not arrest the accused. About four days back, the main accused managed to get pre-arrest bail from a court.

The accused again reached the house of the victim girl and hurled threats at her.

The victim's father said his daughter locked herself in a room on Sunday night and hanged herself with a ceiling fan.

Rape victim who set herself ablaze dies

The family of the girl protested against the police apathy when Punjab Parliamentary Secretary for Irrigation Khalid Jajja reached their house for condolence.

The parents alleged that inspector Mahmood Jajja had been pressuring them for a compromise with the accused. [...]

- [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] 5. [...] Those women who, according to the most traditional and conservative precepts, 'dare' to report violence and other crimes committed against them, not only encounter a series of bureaucratic difficulties in the process of their legal wrangling, but even face humiliation at the hands of police, medico-legal staff and the courts at different levels. Recently, there have been reports concerning incidents where women complainants decided to take the most severe forms of protest in order to receive the deserved attention, such as setting themselves on fire against the biased and disrespectful attitudes openly shown against them by the police.

6. In fact, given the prevalence of gender biased attitudes among police officials, a large number of women who want to lodge complaint are turned away from police stations and in many cases they are tortured, abused and raped. Women victims of domestic violence encounter even higher levels of unresponsiveness and hostility by police, as well as by other actors at all levels of the criminal justice system. [...]

- [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Women and law enforcement

[...] Police stations were a place avoided by most women, regardless of need. The police at places was involved in causing hurt and psychological trauma to women who visited police stations to register complaints. [...]

- [Dawn, Alarm at rise in rape incidents, low conviction rate, 11 October 2013](#)

[...] Sara Zaman of the War Against Rape (WAR) said that a victim's troubles started with her first contact with police. "If she succeeds in lodging an FIR with police, she is among the fewer lucky ones among a whole lot," said Ms Zaman.

She spoke about the procedural loopholes when a victim was flummoxed by police and medico-legal officers in hospitals whether to lodge an FIR first or get a medico-legal examination. [...]

She said that she saw significantly fewer FIRs lodged with police than the number of medico-legal certificates issued, which showed how police discouraged a survivor from lodging the case. [...]

- [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] IV. Prosecuting Rape: Institutional and Structural Systems - Gaps and Limitations

[...] The Police:

With the Police empowered to exercise discretion in recognizing an offence as such, inordinate delays do occur routinely. Even a delay of a few hours can work against a victim, as evidenced by various judgements that have resulted in acquittals. Further, such delays allow time for the perpetrator to pressurize the victim through intimidation and harassment into withdrawing their case, even if rape and gang-rape are non-compoundable offences with the passage of the Criminal Laws Amendment (Protection of Women) Act, in 2006. Indeed, the Police have been involved in mediating many cases of rape inside the premises of a Police station and in the presence of both the accused and the perpetrator(s). It is common for the Police to push for marriage between the aggrieved and accused. Additionally, numerous cases have been reported in the media where absconding accused frequently torment their victims, whom the Police fails to arrest. The Police have also been known to interject their own opinions or give misinformation in the FIRs to undermine consistency of a victim's story²⁰ [...]

The authorities lack the training, resources, equipment and skills to properly investigate a case

➤ [Express Tribune, Seeking justice: Only one rape conviction in the last five years, 9 November 2014](#)

[...] Speaking to The Express Tribune, SSP Islamabad Operations SSP Asmatullah Junejo suggested the low conviction rate could be linked to the pay packages given to investigation officers. He explained that while the reporting mechanism was working fine, the amount being paid to investigators for rape cases was relatively low, discouraging cops from taking up those cases.

The fee for investigation officers can go as high as Rs25,000 per case, dependent on the nature of the crime. Citing more common examples, Junejo explained that an illegal narcotics investigation would pay an investigation officer Rs11,000, while the payment for a crime as heinous as rape is only Rs7,000.

"The quality of work is compromised when incentives are low," He said, adding, "Many officers are not willing to invest their time and energy in a task that is not rewarding," He said. [...]

➤ [Dawn, Sindh records 421 cases of violence against women in three months, 11 October 2014](#)

[...] Khairpur — the home district of Sindh Chief Minister Syed Qaim Ali Shah — tops the list of districts in the province with the highest number of violence incidents against women recorded during the third quarter of the year, says a report released on Friday.

In all 421 incidents of violence against women and girls were reported and 72 of them were recorded in Khairpur alone, according to the quarterly report titled "Situation of Violence Against Women in Sindh (July-September 2014)".

Prepared by the Aurat Foundation, a non-governmental organisation working on women-related issues, the report says the 421 incidents involved 534 women and girls but FIRs were registered only in 66 cases.

The report, based on figures published in newspapers over a period of three months, says that the issue of violence against women was rooted in social norms and economic dependence while the discriminatory practices were the result of the patriarchal system.

Gender-based violence helped maintain women in subordinate roles and contributed to their low level of political participation and to their lower level of education, skills and work opportunities, it adds. A badly-worded FIR also harms prosecution cases obstructing women's access to effective remedies, the report says.

Most of the time police are not informed about such incidents, while some of those reported to the police are not recorded in roznamcha (police diary), the report says. Even if a few cases are lodged, inquiries are not properly conducted and the matter is eventually shelved, it adds. [...]

➤ [Dawn, 'Rape victim', mother attempt immolation, 25 September 2014](#)

[...] MULTAN: An alleged rape victim and her mother on Wednesday tried to immolate themselves as a protest against police failure to arrest the suspect.

The family of a 12-year-old 'rape victim' took to the street to protest against the Muzaffarabad police and demonstrated outside the press club.

The protesters said a relative raped the girl on Sept 19 and went into hiding. They said the Muzaffarabad police registered a case 517/14 against the suspect.

Later, they said the police instead of arresting the suspect approached the Qutabpur police and lodged an FIR against the victim's father on the allegation of kidnapping the lad. They said they visited the offices of the regional police officer and the city police officer to plead their case but all in vain.

Among the protesters was the victim who, along with her mother, stepped forward and they sprinkled petrol to burn themselves but their relatives foiled their bid.

A police team reached the spot and took the two to the Cantonment police station while assuring them that their issue would be resolved. The protesters dispersed after some time. [...]

➤ [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] 5. A large number of crimes against women usually unfortunately remain unreported. However, even in the case of reported crimes, the perpetrators easily manage to wriggle out from the loose grip of the law and escape punishment due to serious systemic flaws such as the absence of the rule of law, the lacunas in the implementation of the existing legislation, the widespread corruption, the insufficient political will and profound institutional incompetence, whereby the lack of a fair and equitable treatment before the law for everybody, combined with the structural bias against women make the criminal justice system acutely gender biased and discriminatory. Those women who, according to the most traditional and conservative precepts, 'dare' to report violence and other crimes committed against them, not only encounter a series of bureaucratic difficulties in the process of their legal wrangling, but even face humiliation at the hands of police, medico-legal staff and the courts at different levels. Recently, there have been reports concerning incidents where women complainants decided to take the most severe forms of protest in order to receive the deserved attention, such as setting themselves on fire against the biased and disrespectful attitudes openly shown against them by the police. [...]

➤ [Inter Press Service, *Raped, And Abandoned By Law*, 3 May 2014](#)

[...] Amina Bibi, an 18-year-old from Pakistan's Punjab province, was allegedly raped by four men on Jan. 5 this year. All the accused were granted bail. A desperate Amina set herself on fire outside a police station on Mar. 13 and succumbed to burn injuries the next day.

The Supreme Court of Pakistan took up the case and sought a report from police. The report was presented Apr. 21, only to be dismissed by the court. The report claimed that Amina had not been raped – something the court was not ready to believe, especially when it could find no other reason for her suicide. Amina's case has once again thrown the spotlight on the plight of thousands of rape victims in Pakistan who suffer due to flaws in the criminal justice system, socio-cultural inhibitions, the negative attitudes of investigators, police failure to collect evidence and the humiliation of victims in trial courts. [...]

"One of the foremost reasons for the poor conviction rate is rape cases are mishandled from the very start," Asad Jamal, a Lahore-based lawyer who has represented several rape victims, told IPS.

He says very few police officials know how to collect scientific evidence in rape cases or record the statements of traumatised rape victims. Citing the example of a case he is fighting right now, Jamal says the police investigator concerned even forgot to preserve the clothes that the victim was wearing at the time of the sexual assault.

In the case of Amina Bibi too, it was found that police had failed to conduct timely forensic and DNA tests. Punjab Chief Minister Shahbaz Sharif suspended several senior police officers and ordered the arrest of others in connection with the case.

Jamal says sometimes police insist on including the names of fake witnesses to strengthen rape cases but such practices end up benefiting the accused, especially in appellate courts. "Ideally, scientific and DNA evidence should be enough to convict an accused, but unfortunately trial courts depend a lot on eyewitnesses for primary evidence," he says. [...]

"The shameful attitude of society, police and lawyers towards rape victims is the biggest hurdle in securing justice," says Faisal Siddiqui, a Karachi-based lawyer [...]

➤ [Dawn, *Alarm at rise in rape incidents, low conviction rate*, 11 October 2013](#)

[...] A recent report of the National Crisis Management Cell said a total of 10,703 rape cases had been reported in the country over the past five years. Most cases (8,806) were reported in Punjab, some 722 cases each in Khyber Pakhtunkhwa and Sindh, 86 in Balochistan, 295 in Islamabad and some 22 rape cases were registered in Gilgit-Baltistan.

Sara Zaman of the War Against Rape (WAR) said that a victim's troubles started with her first contact with police. "If she succeeds in lodging an FIR with police, she is among the fewer lucky ones among a whole lot," said Ms Zaman.

She spoke about the procedural loopholes when a victim was flummoxed by police and medico-legal officers in hospitals whether to lodge an FIR first or get a medico-legal examination.

Even chemical examiners bluntly called the victims shrewd and declared them impostors before a case formally went to court, she said.

She said that she saw significantly fewer FIRs lodged with police than the number of medico-legal certificates issued, which showed how police discouraged a survivor from lodging the case. [...]

Deputy Inspector General (South Zone) Abdul Khaliq Shaikh admitted a large number of policemen were not sensitised to women's issues and the department had plans to make them aware of the sensitivities of gender-based crimes.

"Thousands of police officers are duly sensitised to the offences against women and they deal the cases with requisite sensitivity but many others are not sensitised as yet," he said.

He said that many police officers had to prioritise the cases. "They have to set priorities to handle cases and unfortunately, gender-related cases do not come on top of their priorities," he said. [...]

He said that police too, in many cases, did not play a professional role and failed to collect evidence to make a strong case. He called the reported reluctance on the part of police over registering rape cases a wide question mark and said they had to register a case about a cognisable offence. [...]

➤ [Inter Press Service, Despite Stiffer Penalties, Acid Attacks Continue, 1 August 2013](#)

[...] One reason for the low conviction rate, said Zohra Yusuf, chair of the independent Human Rights Commission of Pakistan, is that "investigation in most criminal cases, also in the cases of acid attacks, is extremely poor, so offenders are often acquitted." [...]

➤ [Human Rights Commission of Pakistan, CII decree regressive, insensitive to rape victims: HRCP, 31 May 2013](#)

[...] The Human Rights Commission of Pakistan (HRCP) has expressed alarm and disappointment over a declaration by the Council of Islamic Ideology (CII) that DNA test results are not acceptable as primary evidence in cases of rape. HRCP called the assertion regressive, unfortunate and unkind to rape victims. [...] HRCP wants to unequivocally state that the latest pronouncement of the CII is regressive, brings no credit to this body and certainly not to the country, but most important of all it is exceptionally insensitive and unkind to rape victims. Rape is a horrendous crime, which is far too common in Pakistan. Poor investigation methods and reluctance of witnesses to come forward out of fear mean that the balance is tilted in the favour of the rapist as it is. In these circumstances, it would be foolish to not depend on all the evidence that is available, especially something as incontrovertible as DNA test results. [...]

➤ [ShirkatGah Women's Resource Centre, Obstructing Progress: Growing Talibanisation& Poor Governance in Pakistan, 25 January 2013](#)

[...] Reporting and Data Collection for Cases of Violence against Women

The majority of cases of violence against women (VAW) fail to be reported to the police that is only approached for 'serious' crimes; many complaints are not entered in the police stations' daily diaries (roznamcha); if entered, enquiries are not made properly and the matter is generally shelved. A badly worded FIR harms the prosecution case thereby obstructing women's access to effective remedies.

The Gender Crimes Cell (GCC) intended to be a central repository for data on VAW suffers from staffing capacity. In March 2012, of 25 'Gender Crime Cell' Government posts, only two were filled, and gender sensitization training is not mandatory. First Information Reports (FIRs), the primary source of GCC data on gender-based violence are unreliable. FIRs only record VAW specified in the Pakistan Penal Code chapter on offences relating to bodily harm, injury and other physical forms. They do not address emotional, economic or psychological aspects most prevalent in domestic violence. Further, if there are multiple counts of injury/offences, the Cells only count these as a single incident. Furthermore; Provincial Police Departments have still not established Gender Crime Units to facilitate timely and adequate compilation.

Trainings for police often do not reach the lower levels of Readers/Moharrars tasked with recording cases, who remain insensitive to the needs of survivors and ignorant of laws pertaining to crimes against women. Survivors of VAW confront serious problems due to the unavailability and insensitive attitudes of Medico-Legal Officers (first examining physicians) who fail to properly implement policies and protocols, lack specialization and formal training. Other problems include a sufficient number of trained counselors, continued practice of virginity testing, and altering of results under pressure. Reporting procedures pose further challenge for survivors who have to go to several offices located in different places to get help [...]

➤ [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] Medico-legal officers hold that only minors less than 10-years-old are raped; the rest concoct stories. They often lack necessary equipment to conduct these examinations, including glass slides, swab, weighing machines, etc., and do not conduct head-to-toe examinations. Victims are almost never tested for HIV/AIDS, pregnancy or referred for counselling unless they seem exceedingly distressed. The Chemical Testing lab in Karachi does not have DNA facilities while it caters to cases from both Sindh and Baluchistan. [...]

IV. Prosecuting Rape: Institutional and Structural Systems - Gaps and Limitations

[...] The Police:

An FIR is the main instrument to initiate criminal proceedings against the perpetrator. While the police do not have any discretion in terms of filing an FIR of a cognizable offence under the Cr.P.C [Criminal Procedure Code], they do enjoy authority to dispose of a case at the investigation stage. Disposal of a case could be due to lack of evidence, exaggerated claim by the aggrieved or misrepresentation of facts. Personal biases may affect the decision of the Police officer, particularly if the victim is older; is a divorcee or has a history of multiple marriages; makes what Police officers believe to be an incredible claim (especially in incest cases); the accused is a man of good repute; the victims appears confident and calm; or brings evidentiary material(s), among others (Khan & Zaman, 2012). It may be noted that according to data collected and published by WAR since 2004, substantial disparities have been reported between the number of FIRs registered and medico-legal examinations conducted, the latter sometimes being greater than three times the FIRs registered for the same offences over the same period (WAR, 2010, 2011, 2012). With the Police empowered to exercise discretion in recognizing an offence as such, inordinate delays do occur routinely. Even a delay of a few hours can work against a victim, as evidenced by various judgements that have resulted in acquittals. [...]

An incorrect or incomplete FIR is extremely harmful to a case as subsequent investigation reports and charge sheet filed in Courts are based on the initial facts narrated by the victim and recorded in the FIR. A common reason for dismissal of a rape case is lack of evidence and/or disparities between the victim's statement in Court and the FIR.

It may be noted that the Police in most parts of Pakistan is severely handicapped due to lack of resources and capacity, and political interference in their work. Forensic criminal investigations is a relatively new science in Pakistan and officers usually do not know how or are not equipped to collect evidence for chemical testing from a crime scene. Among other constraints, the Police department has been plagued by rampant corruption, mismanagement by the authorities, lack of accountability, absence of incentives and an overall negative image (Suddle, 2001). [...]

Medico-Legal

The sector includes the medico-legal doctors (MLOs), Chemical Examiners, and Police Surgeons, whose task it is to establish the physical evidence of rape, and whose report is essential to prosecution. The number of these doctors, particular MLO is dismally low, with disparities in their availability varying between urban and rural settings. For example, in Karachi, there are only 5 female MLOs across 3 Government hospitals, who are the only ones authorized to conduct and issue reports of a medico-legal examination for female victims. In rural Sindh, like other rural parts, the nearest hospital can be as far as 25-30 kilometres away. In Sindh, despite the provincial Health Policy of 2005, the remaining 6 Government hospitals in Karachi are yet to be made functional for these services.

The police refer cases directly to medico-legal officers (MLOs) posted at designated Government Hospitals across the country. The debate on what comes first- medical examination or lodging of the Police complain- continues to baffle practitioners as both Police and MLOs are not trained in handling of trauma victims. What happens is a run-around between the two parties, where MLOs need a Police report to start their examinations and the Police often refuse to register cases for which "there is no medical evidence". [...]

Pakistani MLOs still prescribe to finger- and virginity- testing methods. Little attention is paid, if any to other parts of the body that may carry evidence of the assault. DNA facilities do not exist in most Government hospital and samples have to be sent to labs in other cities for forensic and chemical tests, the results of which can be delayed by weeks and months. Although the incumbent Government has made commitments to provide DNA testing in rape cases free of charge, the formidable costs continue to be borne by victims and their families. [...]

There are a lack of women police officers and women police stations

➤ [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

[...] Thanks to a project called Gender Responsive Policing (GRP), launched by German development agency GIZ in collaboration with NBP, many policymakers have begun to believe that more women should join the police force and handle cases of violence against women.

Ali Mazhar, communication manager at GIZ, told IPS that a large number of policewomen have been trained under the programme to understand cases of violence against women.

Under the programme, he says, Ladies Complaint Units (LCUs) are being set up at police stations where women officers attend to women's complainants in an environment that is free of harassment and fear. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Women and law enforcement

Women faced harassment regardless of which side of the law they were on. According to the official Punjab police statistics there were nine female superintendents of police (out of a total of 146 in the province), seven assistant superintendents of police (out of a total of 45), and 35 deputy superintendents of police (out of 474) in the province. There were only three women police stations in the province; one each in Lahore, Rawalpindi and Faisalabad. Female police officers numbered but a few all over Pakistan and were often not given important positions. They were rarely seen on the streets supposedly because they had higher chances of being harassed. At the end of 2013, there were only 560 women in the KP province's 60,000-strong police force. [...]

➤ [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] Even though a handful of women police stations exist in Pakistan⁵, a woman needs to file an application for the transfer of her case to these stations. [...]

Bribery, extortion and coercion are used to discourage or falsify reporting crimes against women, police may demand a bribe to open the case

➤ [Asian Human Rights Commission, Threats to the lives of a minor who was gang raped and her father; a police officer suspended and transferred for taking action against the rapists, 29 June 2014](#)

[...] The Asian Human Rights Commission (AHRC) has received information that a 13 year old girl was brutally gang raped during an entire night, by six infamous criminals who belong to a political party. The station head officer (SHO) has been suspended and thereafter transferred for filing charges of gang rape and assault against the rapists. The rapists have been identified in court by the victim and the court had ordered the arrest of the perpetrators. However, local police have ignored the orders of the court to arrest the suspects due to the nexus between the criminals and police officers. One perpetrator was handed over to police and the criminals are trying to exonerate all other suspects by converting the FIRs into C class reports, a term to make the preliminary FIR infectious. [...]

➤ [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] 7. Countless medico-legal staff throughout the entire country are corrupt and feel no shame in altering facts and distorting medical reports in favor of powerful and often influential perpetrators. [...]

➤ [Asian Human Rights Commission, Rape cases of minors are increasing -- during the first four months 11 cases were reported, 2 May 2014](#)

[...]The Asian Human Rights Commission (AHRC) has received information that rape cases of minors and young adults have increased in the country with the impunity. During the first four months of the year 11 cases concerning the rapes of minors were reported. It is now known how many cases were not reported in order to avoid any stigma being attached to the girls and in many cases the poor families of the victims were threatened and coerced by the police not to file case. The father of a seven-year-old Christian minor was arrested for reporting the case and was tortured in the police custody to withdraw his case against some brick kiln owners. Even an 18 month old girl was raped and police tried all efforts to avoid filing the case. It is a common strategy for the police to do their utmost to discourage the complainants from filing cases, especially in those cases where the police officials were involved. [...]

➤ [Inter Press Service, Despite Stiffer Penalties, Acid Attacks Continue, 1 August 2013](#)

[...] One reason for the low conviction rate, said Zohra Yusuf, chair of the independent Human Rights Commission of Pakistan, is that "investigation in most criminal cases, also in the cases of acid attacks, is extremely poor, so offenders are often acquitted." [...]

And victims are frequently silenced, she said.

FakhraYounus, a survivor who made international news 13 years ago, never got justice, because her perpetrator, Bilal Khar, belonged to a powerful political family. Younus underwent more than three dozen surgeries before killing herself last year; Khar continues to enjoy virtual impunity.

"A lot of pressure is brought upon families to retract their complaints," said Yusuf, adding that "In the case of Fakhra, the entire family backtracked and said they could not identify him in court."

"Victims often fear reprisals from perpetrators," Khan concurred. "In addition, they also find it difficult to access justice." [...]

Perpetrators are generally more powerful and resourceful than victims, with the resulting pressure to opt for an out of court settlement and the authorities usually return abused women to their abusive family members

➤ [Express Tribune, Seeking justice: Only one rape conviction in the last five years, 9 November 2014](#)

[...] RakshindaParveen, a civil society activist, said human right activists and society are not on the same page in terms of punishment for the crime. She explained that even now, access to justice in Pakistan is defined by social class.

"Rape victims in Pakistan are either silenced with compensation or threatened to leave the community or country, while some even commit suicide," she said. [...]

➤ [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] 6. [...] Police officers pressure for 'reconciliation' among concerned parties rather than filing a report and arresting the perpetrator (often these are abusive husbands but can also include in-laws, siblings and other akin relatives). [...]

➤ [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

[...] "One of the foremost reasons for the poor conviction rate is rape cases are mishandled from the very start," Asad Jamal, a Lahore-based lawyer who has represented several rape victims, told IPS. [...]

Jamal pointed to another reality – rape victims often belong to disadvantaged sections of society while rapists are mostly powerful people.

He says crime data indicates that girls in the 9-19 age group from lower income families are most vulnerable to rape. "That's why the number of domestic workers subjected to rape is on the rise," he says. [...]

➤ [Centre for Social Research and UN Women, Violence Against Women in Politics: A study conducted in India, Nepal and Pakistan, 30 April 2014](#)

[...] Violence against women in politics (VAWIP) is violence that occurs within the political sphere but that specifically targets women. VAWIP is used to reinforce traditional social and political structures by targeting women leaders who challenge patriarchy and the prevailing social expectations and norms. It restricts women's mobility and capacity to participate within the political sphere. VAWIP has been defined as: The connotation of any act of violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women politicians, including threat of such acts, coercion or arbitrary deprivation of liberty in public or private life.

[...] B. REASONS FOR VAWIP

[...] 5. Lack of support from Police and Judiciary

[...] For the police and the judiciary, it is power that begets power. Women's relationship with the police and the judiciary is consequently problematic. [...] There is also some stigma attached to going to the police station (even to register a complaint). This was identified as a hindrance by FGD participants in Pakistan. They also highlighted the involvement of police as perpetrators of VAWIP. The consequent fear factor that is generated by approaching police, acts as a deterrent to women filing cases against VAWIP. This encourages the perpetrators to continue violence unabashedly.

This is confirmed by the quantitative survey in which 53 per cent respondents in India, 65 per cent in Pakistan and 44 per cent in Nepal agree that current laws are not adequate to prevent VAWIP. However, 81 per cent of respondents in India, 69 per cent in Pakistan and 74 per cent in Nepal are of the opinion that it is the implementation of laws that is the issue, not lack of adequate laws. The fact that more respondents (48 per cent) in Pakistan believe that when religious diktats are not followed, violence is bound to occur, as against 36 per cent in India and 18 per cent in Nepal, refers to the role played by religion in politics in the three countries. It will therefore be doubly difficult to demand woman's right to participate in political processes sans violence in Pakistan than in India or Nepal.

Approximately two in every three respondents in Pakistan (65 per cent) and every second person in India (54 per cent) believe that the police do not respect women's right to participate in violence-free politics. Further, 63 per cent of respondents in India and 70 per cent in Pakistan feel that the high incidence of VAWIP results from most cases of VAWIP going unreported. More than half the respondents in both India (55 per cent) and Pakistan (54 per cent) agree that the rate of acquittal is very high in VAWIP cases and less than half the respondents (41 per cent in India and 45 per cent in Pakistan) feel that women get support from the Police or Judiciary in cases of VAWIP. [...]

G. PREVENTION OF VAWIP

[...] A vast majority of the participants in the FGDs actually described police as VAWIP perpetrators as they are perceived to be a "part of the problem", "too politicized", who are "reluctant to register FIRs for VAWIP" and in most cases "do nothing against it". Quantitative data validated the above view: 54 per cent in India, 65 per cent in Pakistan and 48 per cent in Nepal agreed that "the police do not respect women's right to participate in violence-free politics". This is a reason for women not wanting to report VAWIP cases, thus increasing the chances of more VAWIP: 63 per cent in India, 70 per cent in Pakistan and 83 per cent in Nepal were of the opinion that "the reason behind the high incidence of VAWIP is that most cases go unreported".

[...] Conclusion

[...] Response of the Political System

[...] Despite several positive signs, the research confirms the inefficiency, apathy and silence of the police, judiciary and the military (in Pakistan) to prevent and respond to VAWIP. Institutions that are in face supposed to safeguard women's participation in the political and public life are politicized and patriarchal and work essentially in favour of the power elite. Too often, the protector becomes the perpetrator or its accomplice. [...]

➤ [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] It is very normal for Police, Judges and Lawyers to broker a 'compromise' or out-of-court settlement, which, if accepted, ends in dismissal of the case and release of the offender. This has also happened in cases where the offender was the victim's father. [...]

Women are reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives, relatives are hesitant to report abuse due to fear of dishonouring the family, family members have encouraged rape victims to commit suicide

➤ [Express Tribune, Seeking justice: Only one rape conviction in the last five years, 9 November 2014](#)

[...] Rakshinda Parveen, a civil society activist, said human right activists and society are not on the same page in terms of punishment for the crime. She explained that even now, access to justice in Pakistan is defined by social class.

"Rape victims in Pakistan are either silenced with compensation or threatened to leave the community or country, while some even commit suicide," she said. [...]

➤ [Dawn, Rape victim fails to survive after suicide bid, 23 August 2014](#)

[...] A gang-rape victim who attempted to commit suicide by taking poison on Thursday died at THQ Hospital in Burewala on Friday. Reports said the 18-year-old girl of Chak 146-EB was returning to her house from a nearby field when three men of the same village allegedly abducted her on Wednesday. They took her to a nearby field where they allegedly gang-raped her. The victim girl informed her mother about the incident. On Thursday, she mixed poison in milk and fell unconscious after drinking it. [...]

➤ [Dawn, 'Rape' victim commits suicide, 29 July 2014](#)

BAHAWALPUR: Failure to get justice from police and receiving threats from the main accused, an alleged gang-rape victim committed suicide by hanging herself from a ceiling fan at her house in village 56-DB near Yazman, about 30km from here, late on Sunday night.

Police said the suspect along with his accomplice abducted a matric student from outside her house on a motorcycle last month. They took her to their outhouse near the village canal where their three accomplices were already present. Later, she was gang-raped.

➤ [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

[...] Amina Bibi, an 18-year-old from Pakistan's Punjab province, was allegedly raped by four men on Jan. 5 this year. All the accused were granted bail. A desperate Amina set herself on fire outside a police station on Mar. 13 and succumbed to burn injuries the next day. [...]

[...] Zia Awan, founder of the Madadgar National Helpline for women and children, told IPS, "The number of rape cases reported in Pakistan is only a fraction of the actual number."

He receives a large number of calls from women who are undecided on whether to report the case or remain silent in order to avoid humiliation and life-long stigma. The impunity of rapists and the ordeal of rape victims deter the latter from seeking justice, he says. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Violence against women

[...] More than 800 women committed suicide in 2013, mostly owing to domestic issues. [...]

➤ [Dawn, Alarm at rise in rape incidents, low conviction rate, 11 October 2013](#)

[...] Deputy Inspector General (South Zone) Abdul Khaliq Shaikh admitted a large number of policemen were not sensitised to women's issues and the department had plans to make them aware of the sensitivities of gender-based crimes. [...]

About investigations into sexual violence, he said, they had fewer witnesses who often turned hostile and even the victim became reluctant at times and her family preferred to settle the case out of court in most cases. [...]

- [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] It must be kept in mind that majority of cases of rape are not reported. Organizations like War Against Rape, a local NGO based in Karachi and Lahore and Aurat Foundation, hold that actual cases may be 60% to 70% higher. Women's access to justice is restricted from the outset, when they cannot disclose what has happened to them without inviting public scrutiny and shame onto themselves and their families. [...]

Insensitive and gender-biased behaviours during trials

- [World Bank, Violence against Women and Girls: Lessons from South Asia, 16 September 2014](#)

[...] Government, Religious Institutions, and Legal Systems

[...] IMPLEMENTATION OF LAWS AND POLICIES

As illustrated in the last section, laws exist for most forms of violence described in this report. However, a number of structural deficiencies in these laws and related policies weaken South Asian women's access to state justice mechanisms. Across the region, courts contend with a severe backlog of cases, and the time required to bring a case to court and produce a resolution or outcome is often extremely long, thereby discouraging women from seeking justice through formal mechanisms. In Pakistan, lack of personnel, facilities, and access to necessary legal materials are contributing factors (Khan 2001). Generally low rates of female participation in justice mechanisms and processes—ranging from women's inability to stand before courts to their minimal presence as lawyers, judges, and other judiciary personnel—also contribute to poor outcomes for women in the courtroom. Further exacerbating these issues is a general lack of legal awareness. [...]

POOR INSTITUTIONAL DEVELOPMENT IN OTHER REALMS

Often in South Asia, government institutions are stronger and more established in urban areas. In rural areas, where federal governments often have a minimal footprint because of geography, limited infrastructure, or other reasons, a vacuum exists that encourages the development of parallel systems of law and governance. Such systems are found in parts of Pakistan and in Afghanistan, where tribal and customary systems of law and governance predominate, and in rural areas of northern India, where khap and jati panchayats⁵ control many facets of community life. Parallel legal mechanisms—as found in Afghanistan, Bangladesh, India, Nepal (for details on Nepal, see appendix R), and Pakistan—may cost less and be more accessible, but they may not ensure justice for women. For instance, the shalish⁶ in Bangladesh are often composed of male elders and lack codified standards, hence providing little assurance of gender equality (HRW 2012).

Where formal police departments and other support services for survivors of violence are available, women must often work with professionals and institutions that lack proper training to provide appropriate levels of care and support. Police officials, who are the initial enforcers of law, often lack gender sensitivity. In Sri Lanka, officials commonly record incidents of intimate partner violence improperly as “accidents,” rather than categorizing them as punishable offenses (Wijayatilake and Guneratne 2002). In Pakistan, police often do not treat honor killings with appropriate seriousness and may improperly record them (Lari 2011). Part of the reason for this poor institutional development is that police departments and other support services in South Asia typically face a dearth of material resources needed to adequately serve those facing violence (ADB 2008; Asia Foundation et al. 2010). [...]

- [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 4 June 2014](#)

[...] 5. [...] Those women who, according to the most traditional and conservative precepts, ‘dare’ to report violence and other crimes committed against them, not only encounter a series of bureaucratic difficulties in the process of their legal wrangling, but even face humiliation at the hands of police, medico-legal staff and the courts at different levels. [...]

7. [...] In the courtrooms lawyers leave no stone unturned to shatter the victim's sense of self-respect by asking awkward questions regarding the virginity status and past sexual history. The judicial system, particularly the lower judiciary, has strong proclivity to sexist assumptions about women. Judges allow

defense counsels to openly insult the victims' characters and make sly insinuations about their costumes and behavior, especially in relation to their sexual preferences and habits. The entire criminal justice system routinely ignores the real causes behind many complaints and underestimates the consequences of gender biased attitudes, which allow all forms of violence against women to continue to occur with large acceptance and enormous impunity. [...]

➤ [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

[...] "The shameful attitude of society, police and lawyers towards rape victims is the biggest hurdle in securing justice," says Faisal Siddiqui, a Karachi-based lawyer.

His own client, a rape victim, had to seek psychological treatment for two years after appearing in court for cross-examination, he says. The defence lawyer, he says, asked her about the minutest details of the assault and made her recall the traumatic incident over and over again. Unfortunately, he says, many lawyers deliberately confuse rape victims during cross-examination in order to get relief for the accused. "They ask shameful questions which no woman can answer." [...]

➤ [Asian Legal Resource Centre, Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre \(ALRC\), a non-governmental organization in general consultative status, 17 May 2013](#)

[...] 10. The rights of women are severely reduced and denied. Unfortunately, the role of the superior court judges that interpret them further erodes these rights. The cultural and social biases of the judges dominate the law, making their interpretations of rights discriminatory. Whether it is the case of Mukhtaran Mai, a victim of gang rape, or the forced conversion of women from the religious minority community, the courts continue to lean towards a partisan, gender-based view. [...]

➤ [UN Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, 4 April 2013](#)

[...] I. Women in the justice system

[...] 76. During her visit, the Special Rapporteur paid particular attention to integrating a gender perspective and women's rights in the justice system. She is concerned with the historical lack of women justices in the Supreme Court and the Federal Shariat Court, and with the presence of only two women in the High Courts. The gap in the equal representation of women in the judiciary in general remains huge. [...]

79. The approach of the judiciary in general is very conservative and representative of a traditional and patriarchal societal structure. Gender biases and discriminatory attitudes and practices are reflected and reproduced within the judiciary and the administration of justice. In this light, sustained and comprehensive sensitization and awareness-raising programmes are urgently needed for all State institutions, including the judiciary, prosecutors and lawyers, in order to push for change with regard to patriarchal and discriminatory attitudes and practices.

80. As mentioned above, the Special Rapporteur was further struck by reports of existing laws, such as the blasphemy laws, being misused to target women and strip them of their fundamental rights. Many stages of the justice system, starting with filing a case with the police, to accessing lawyers and appearing and testifying before the courts, are gender-biased, and therefore impede the full functioning of justice for women. The Special Rapporteur was encouraged to hear that the current Government has been pro-active on legislation relating to the rights of women. She wishes to underline that emphasis now needs to be put on the implementation of such legislation.

81. Nevertheless, it seems that in many areas of Pakistan, access to justice for women remains illusory. Women's illiteracy is high, their knowledge of their own rights and of the law is poor to non-existent, a male relative must accompany them for procedures with the police or the courts, and no formal mechanism is in place to protect them. These are all areas that need to be addressed urgently and in a comprehensive manner by all branches of the State, including the judiciary itself. The National Commission on the Status of Women can provide priceless leadership and recommendations on all of these matters. [...]

- [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] The judiciary has a very small percentage of women Judges and hardly any female public prosecutors. Trials are often held in open court, with nothing barring onlookers from making gestures of mockery and ridicule. Minors are not awarded special care, as they are neither shielded during the identification process nor given in-camera trials as a matter of routine. The defence is free to probe the victim's sexual history and often cite lack of medical evidence to indicate consent. Bails are granted casually when the crux of the evidence is based on medical findings, particular visible marks of violence in the woman's body. Offenders, once released find ways to torment the victims and her family, against which the State awards no tangible protection. Trials are lengthy, arduous and have high direct and indirect costs, including opportunity costs of lost wages from days spent in court (Social Policy and Development Center (SPDC), 2012). [...]

IV. Prosecuting Rape: Institutional and Structural Systems - Gaps and Limitations

[...] Courts:

Prosecuting cases in courts is an agonizing proposition for litigants, particularly women and children. Other than a sense of disorientation that comes with a court-room environment, protracted trials with high concomitant costs of litigation make it difficult for any person to want to seek justice. [...]

The pervasive mentality across the criminal justice system is that if a woman was truly raped, she would not tell anyone out of shame. This attitude affects the manner in which women are treated inside the courtroom as well. Cases are often called out in open court whereupon the woman is often made to speak or testify in front of irrelevant people. In other situations even when the trial is conducted in-camera or inside the Judge's chamber, often the accused is there while she points him out as the perpetrator.

A rape trial can go on from anywhere between one-and-a-half years to 10 years, possibly more if the aggrieved is able to go through with it. On average, a case can take about 3-4 years to conclude which goes against the National Judicial Policy of the Supreme Court, 2009 (revised 2012)²², which stipulates that, "All cases punishable with imprisonment from 7 years and above including death cases shall be decided within a period of 1 year." Despite policies like these, the Police waste tremendous amounts of time in so-called investigations and almost always fail to submit the charge-sheet within the 14-day period (as also directed under the Policy and liable to disciplinary action by the Courts). [...]

Prosecutions of reported rapes are rare

- [Express Tribune, Seeking justice: Only one rape conviction in the last five years, 9 November 2014](#)

[...] Only one of the 90 rape cases registered in the capital during the last five years has led to a conviction. This jaw-dropping statistic was provided by the Interior Ministry in response to a query from Senator Sughra Imam during the Senate's question hour session on Wednesday.

In response to Imam's question on the number of rape cases registered in the country and the number of convictions during the last five years, State Minister for Interior Baleeghur Rehman provided a year-wise provincial breakup.

The minister revealed that a total of 14,583 rape cases have been registered in Pakistan during the last five years, the most of which were in Punjab — 12,795 — and only 949 cases of them led to convictions.

While the number of cases registered increased with time, the conviction rates have fluctuated from 195 in 2009 to 136 in 2013. [...]

Providing provincial statistics, the minister mentioned that a total of 1,077 rape cases were registered in Sindh out of which 38 were convicted. Only three cases were convicted last year, the lowest in five years. In Khyber-Pakhtunkhwa, a total of 458 rape cases were registered, 35 of which led to convictions. Last year, out of the 108 cases reported, not a single case led to a conviction. In Balochistan, 92 cases were registered with the accused being punished in just 10 cases. In AJK, 60 cases in the past four years have led to zero convictions. There were 3 guilty verdicts in the province back in 2009. Gilgit-Balistan had the highest conviction rate, with five out of the 11 cases ending with guilty verdicts. [...]

- [Inter Press Service, Raped, And Abandoned By Law, 3 May 2014](#)

- [...] According to the National Police Bureau (NPB) of Pakistan, around 3,000 cases of rape are reported every year – to be precise 3,173 cases were reported in 2012 and 3,164 in 2013. The conviction rate, however, is less than four percent, according to a report released by the NGO War Against Rape (WAR). [...]
- [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)
[...] Women and law enforcement
[...] The conviction rate in cases of sexual and other violence against women remained critically low. [...]
- [Dawn, Alarm at rise in rape incidents, low conviction rate, 11 October 2013](#)
[...] A roundtable conference on violence against women held on Thursday noted with grave concern an alarming rise in incidents of rape and the fact that very few victims dared report it to police while ratio of conviction remained significantly low. [...]
He shared his experience with rape victims whose cases he had fought and said the incidence of rape was on an alarming rise. Very few victims dared report it to police while conviction was rare, he said.
“Our criminal justice system brutalises and discourages rape victims and benefits perpetrators only. A rape case could take seven to 10 years to decide and ultimately it ends up with acquittal (of the accused).
“If a victim is bold enough to fight the case to its logical end, she has to do it on her own as the elite civil society leaves her very soon and the media gets other cases to report instead of following up her case,” he said.
He said that a rape victim had to endure hardships in all forms and from everyone starting from a policeman to a judge of a lower court. He cited the new disturbing trend in which rape victims were getting killed as well and many of the bodies found were mutilated. [...]

Extrajudicial resolutions to rape accusations are common, with a victim often forced to marry her attacker

- [War Against Rape & Aurat Foundation, Pakistan, Women’s Access to Justice in Pakistan, undated \(submitted to the Committee on Women’s Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)
[...] IV. Prosecuting Rape: Institutional and Structural Systems - Gaps and Limitations
[...] The Police:
[...] It is common for the Police to push for marriage between the aggrieved and accused [...]

Inadequate supply and mismanagement of shelters, which are still considered taboo and stigmatising to women

- [Dawn, Shelter homes plagued by poor infrastructure, security issues, moot told, 4 September 2014](#)
[...] LARKANA: A consultative meeting held here on Wednesday pointed out that DarulAmans in Sindh were plagued by lack of skilled staff, poor infrastructure and security issues.
The meeting organised by a non-governmental organisation Shirkatgah and the social welfare department discussed newly framed standard operating procedures (SOPs’) for DarulAmans.
Shariq Imam, programme manager and in-charge of the DarulAman project of Shirkatgah, said that SOP’s revolved around infrastructure, management and rules and regulations encompassing human rights and dignity of women survivors.
He said that willing workers drawn from different fields of life would be nominated to the district advisory committee which would act as supervisory body after issuance of a notification for making recommendations for the betterment of DarulAmans.
[...] Dr Amir Abro said that atmosphere at Panahgah, the name of NGO’s shelter homes for women, in Karachi and three DarulAmans working in Larkana, Hyderabad and Sukkur was quite different. Culturally and traditionally women inmates lodged at Karachi were freer than those of other districts, he said.

He said that women preferred to live in DarulAman when they needed shelter to save herself from the threat of being killed at the pretext of being 'kari' or from violence at the hands of her husband after marriage.

No doubt the DarulAman was a shelter for them in Larkana, Sukkur and Hyderabad but they lived there under constant threat and suffered mental disturbance while women in Panahgah felt at home because they were not part of traditional customs and unwritten tribal rules and jirgas. [...]

The meeting pointed out lack of skilled staff, poor infrastructure and poor security at DarulAmans. [...]

➤ [Dawn, Policemen, watchman found responsible for DarulAman escape episode, 24 July 2014](#)

[...] LARKANA: The three-member committee constituted by the Larkana deputy commissioner to investigate the July 1 escape of three inmates of DarulAman has held the policemen deployed at the building and a watchman on night duty responsible for the security lapse that helped the women make good their escape.

It also suggested that the assistant director of the DarulAman demonstrated gross negligence in the episode. [...]

In the 15-page report submitted to DC Ganhwar Ali Leghari on Tuesday night by the committee, it was stated that connivance of one or more policemen on duty with the watchman could not be ruled out.

The inquiry report found that the four policemen deployed at the gate of the DarulAman building failed to discharge their professional duty of providing external security to DarulAman while there was likelihood of outside support in the incident. [...]

The committee recorded statements of 16 inmates and staff members, and suggested that Allah Bakhsh Brohi had aided and abetted the escape; he had been providing mobile phone facilities to the women; other inmates in their statements told the committee that before breaking the window grille the three women used mobile phones with the help of the watchman. The woman in charge of DarulAman (Ms Abbasi) knowingly avoided reporting the activities of the watchman to the high-ups, it added.

Describing the pros and cons of the issue as 'sensitive and serious', the committee called for putting in place a proper security system, besides evolving a mechanism to record the data of visitors to DarulAman in order to prevent recurrence of such incidents in future.

The time of visitors' entry, exit and stay in the building should also be recorded on the pattern of prisons, it said, and stressed the need for devising a mechanism to keep a record of donations collected and food provided to inmates, observing that no such such things were being maintained at the shelter house.

The committee also recommended appointment of a woman in charge/matron at the DarulAman during night hours. [...]

➤ [Dawn, Man shoots wife at shelter home, 29 May 2014](#)

[...] NAROWAL: A man shot at and injured his wife critically at the Shelter Home here on Wednesday.

Reports said a local magistrate had sent 26-year-old Shadman to the Shelter Home about one-and-a-half month back after she quarrelled with her in-laws and parents.

Shadman had also filed a suit for divorce against her husband, Zaheer Ahmad, who was living abroad. After his return from abroad a few days back, Zaheer met her wife at the Shelter Home to reconcile the matter.

On Wednesday, Zaheer along with his two children and brother-in-law again came to the Shelter Home to see his wife with the permission of the magistrate.

After some time, Zaheer sent his children home with his brother-in-law and then injured his wife with a gunshot fire. She was rushed to DHQ Hospital.

Muhammad Aslam, a policeman, also fired at his daughter Shadman at the hospital emergency, but she luckily escaped unhurt. She was shifted to a Lahore hospital in a critical condition.

Police have yet to register a case.

Shelter Home Superinten-dent Sidra refused to comment on the incident. [...]

➤ [Dawn, Tackling domestic violence, 11 February 2014](#)

[...] Supplementary infrastructure – such as women's shelters and women's police stations – that needs to buttress legislation in order to make it effective is inadequate. For example, in Balochistan there is only one functioning women's shelter in Quetta which, in the words of a provincial legislator, "is more of a criminal concern rather than any shelter. We wouldn't want any woman to go there; she'll come out with her reputation in tatters". The condition of most women's shelters, if not all, in the country is reportedly not much better. [...]

- [War Against Rape & Aurat Foundation, Pakistan, Women's Access to Justice in Pakistan, undated \(submitted to the Committee on Women's Access to Justice, at the 54th CEDAW Session \(11 February - 1 March 2013\)\)](#)

[...] I. Socio-Cultural Impact of Rape and Obstacles in Accessing Justice

[...] There are very few shelter homes against the number of women seeking refuge. Going to a shelter home is still considered taboo and perceived as the last resort of women who have been turned away by respectable society. There is no existing long-term rehabilitation plan for victims of violence supported by the Government. Even within the Government, many cases have been reported of undue political interference in cases and often seizing of such cases for political mileage. [...] The Courts also do not provide security and witness protection to victims apart from sending them to the women's shelter homes, or in some cases, placing them into protective custody in women's police stations. In Karachi, the government-run Dar-ul-Aman shelter home for women was handed over to a local NGO due to high levels of mismanagement and notoriety the shelter has acquired. [...]

- [UN, Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Pakistan adopted by the Committee at its fifty fourth session \(11 February – 1 March 2013\), 1 March 2013](#)

[...] 21. [...] The Committee expresses its concern at the high prevalence of domestic violence and marital rape and at the absence of clear legislation criminalizing such acts. It is also concerned about the paucity of information about the implementation of the standard operating procedures on the treatment of women victims of violence and at the scarce number of shelters for victims. [...]

Is a woman able to internally relocate within Pakistan to escape that risk?

The 'policy summary' concludes with regards to whether internal relocation will be an option that:

Excerpt from the CIG on Women

Policy summary

[...] Internal relocation to avoid risk from gender based violence may be viable in some limited cases.
[...]

However, the below 'consideration of issues' section indicates that 'internal relocation is likely to be unduly harsh for many women' (emphasis added). The CIG policy summary does not indicate whether by 'viable' it is meant that internal relocation will be both relevant and/or reasonable, nor what these limited cases might be, but in the 'consideration of issues section' notes that:

Excerpt from the CIG on Women

1.3. Consideration of issues

[...] Is a woman able to internally relocate within Pakistan to escape that risk?

1.3.13 Decision makers must refer to the more general guidance in the module on 'Internal Relocation' and the caselaw SN & HM

(Divorced women– risk on return) Pakistan (25 May 2004)

1.3.14 However, taking into account the general position of women in Pakistani society where they:

- face patriarchal attitudes and deep-rooted stereotypes;
- may not be educated or even literate;
- may have to depend on relatives for economic support; and
- face safety issues and social constraints in living alone,

then **internal relocation is likely to be unduly harsh for many women.**

1.3.15 Factors such as the social positioning in terms of class, religion, education, economic independence, region and location (urban or rural), cultural and traditional values, caste, educational profile, marital status, number of children of the person should be considered when determining whether relocation is an option. **Educated and professional women may find it possible to support themselves in alternative locations.**

1.3.16 In assessing whether women who are fleeing a risk of serious domestic violence have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.

The above highlighted text suggests the limited profiles that may be able to support themselves; women that are educated and professional. However it should be noted that “Possibility for economic survival” is only one aspect of the reasonableness of internal relocation ([see above](#) for a discussion of the relevance and reasonableness factors of internal relocation). Employability alone does not necessarily mean that women will be able to live alonesafely and without undue hardship, especially given as the CIG identifies in the preceding paragraph 1.3.14 that women may face “safety issues” and “social constraints” in doing so. That is they may face a risk of being persecuted or other serious harm upon relocation.

Moreover this section of the CIG fails to take into account another aspect of the relevance of internal relocation; particularly relevant for this profile will be the willingness and the ability of the agent of persecution to pursue the claimant in the proposed site of internal relocation. This is key to the internal relocation assessment as if the agent of persecution is likely to pursue the claimant, and no protection is available, then whether the claimant is educated and professional will be moot.

F. [CIG report: Religious Freedom \(July 2014\)](#)

Christians

Both the 'consideration of issues' section and the 'policy summary' fail to address the specific forms of ill-treatment that Christian women are reported to experience. The 'policy summary' broadly identifies:

Excerpt from CIG on Religious Freedom

Christians

Policy summary

Some Christians in Pakistan **face discrimination and attacks** targeted against them by societal actors. In general, the government is willing and able to provide protection against such attacks and internal relocation is a viable option.

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.

The 'consideration of issues' section is more specific, noting that:

Excerpt from CIG on Religious Freedom

1.3.21 There are **incidents of Christians being subject to harassment, discrimination, violence and murder in Pakistan, as well as allegations of blasphemy**. However, the number of Christians as a whole in the country does not indicate that those concerned are generally subject to treatment which would be persecutory or otherwise inhuman or degrading treatment.

1.3.22 State and societal attitudes towards Christians may result in ill-treatment. which in individual cases may reach the level of persecution, torture or inhuman and degrading treatment. Each case will need to be considered on its facts.

However COI included at paragraph 2.4.7 in the CIG (see below) also documents the following practices which it is considered should be addressed in both the 'consideration of issues' and 'policy summary' sections:

- Kidnapping and forced conversions of Christian girls and women, in some cases who are held in Madrassas and raped
- Sexual assaults against underage Christian girls

For further information on these practices, see:

- [Movement for Solidarity and Peace, Forced Marriages & Forced Conversions in the Christian Community of Pakistan, April 2014](#)

Paragraph 2.4.7 of the CIG also notes UNHCR's position with regards to whether effective protection is available for women fearing sexual and gender based violence (emphasis added):

Excerpt from CIG on Religious Freedom

2.4.7 The NGO Movement for Solidarity and Peace (MSP) reported estimates of 100 to 700 forced conversions of Christian girls and women each year. 76 The USCIRF reported that 'Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year.' 77 The Asian Human Rights Commission also estimated that 700 Christian girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtunkhwa and Sindh provinces and reports that 'Typically, girls are abducted, raped, and kept in Madrassas, where they are forced to sign marriage certificates and state that they have

converted to Islam.’ 78 **The UNHCR Eligibility Guidelines consider that ‘Law enforcement authorities are reportedly unable or unwilling to protect victims of forced marriage and other forms of sexual and gender based violence.’**

However it should be noted that neither UNHCR’s position nor other COI on the treatment of Christian women is included in the Pakistan CIG on Women, demonstrating the lack of overlap in the distinct CIG modules.

Is a Christian able to seek effective protection?

The guidance in this CIG is inconsistent as to whether effective protection is available for Christians fearing non-state actors.

The ‘Policy Summary’ states that:

Excerpt from CIG on Religious Freedom

Christians

Policy summary

Some Christians in Pakistan face discrimination and attacks targeted against them by societal actors. **In general, the government is willing and able to provide protection against such attacks** and internal relocation is a viable option.

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.

However, in the preceding ‘Consideration of Issues’ guidance section, the CIG states that:

Excerpt from CIG on Religious Freedom

Is a Christian able to seek effective protection?

1.3.23 The reported case of AW (26 January 2011) found that there is ‘systemic sufficiency of state protection’ in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. **In many instances, the authorities are unable or unwilling to protect the lives and properties of Christians or to bring perpetrators of such violence to justice.**

1.3.24 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of sufficient protection) is likely to be repeated.

This is the same wording as the 2012 UNHCR Eligibility Guidelines as included in the CIG at paragraph 2.4.5 (emphasis added):

Excerpt from CIG on Religious Freedom

2.4.5 The May 2012 UNHCR Eligibility Guidelines states that ‘The Christian minority in Pakistan is subject to recurrent discrimination and harassment, as well as acts of religiously motivated violence, at the hands of militant groups and fundamentalist elements. [...] **In many instances, the authorities are reportedly unable or unwilling to protect the lives and properties of Christians, or to bring the perpetrators of such violence to justice.**’

It is considered that this position is further supported by the COI included in the CIG which documents that:

- Police were warned of an impending attack in Lahore in which several thousand Christians were forced to flee their homes after allegations of blasphemy against a local Christian

resident, but failed to take adequate measures to protect the community and no convictions have been reported (paragraph 2.4.8)

- The 2013 US Commission on International Religious Freedom (USCIRF) report considers that the government continues to fail to protect Christians (paragraph 2.4.6)

Further sources of COI not included in the CIG published in 2014 document the following practices, which further illustrate the inability of the police to provide effective protection to Christians:

- [Police fail to intervene in cases of violence against Christians](#)
- [Few cases of religious violence against Christians have resulted in prosecutions](#)
- [Police perpetrate violence against Christians](#)
- [Failure to prevent abuses of the blasphemy laws and judicial bias against minorities](#)

Also see comments above on the Pakistan CIG [‘Background information, including actors of protection, and internal relocation’](#) which addresses the general failings of the authorities in providing effective protection.

Police fail to intervene in cases of violence against Christians

- [BFA Staatendokumentation \(Austrian Federal Office for Immigration and Asylum, COI unit\), Country Analysis Reports: Pakistan – Challenges, October 2014](#)

[...] Religious minorities

[...] Societal violence

[...] Alongside the mentioned rare cases of large riots, weaker, but more common acts of violence against minorities’ facilities and places of worship by societal actors occur. The NCJP [National Commission on Justice and Peace] has collected nine such incidents in 2012 against Non-Muslim minorities’ infrastructure, in which graves were desecrated, and churches, temples and Ahmadiyya mosques vandalized. HRCP [Human Rights Commission of Pakistan] speaks of more such acts in 2012 reporting of “many churches”, including one in Faisalabad, one in Mardan and six in Sindh as well as three Hindu temples and one Ahmadi worship place damaged or vandalised. If threats occur, the police often does not follow up and in case of such incidents a poor performance on part of the police is visible – they more often rather stand on the side-lines than intervene. [...]

[...] While only a small number of persons are involved in violent attacks, the mentioned laws, teachings of religious intolerance, limited police protection of minorities and falling short of prosecuting and arresting the perpetrators create a permissive environment for such attacks that leads to accelerating vigilantism and mob violence.

However, police protection is provided for special occasions, such as worship assemblies and the processions of minorities like the Shiite Muharram or the Christian Palm Sunday Procession,¹⁰² and reports show that police guards are installed at some minority worship places.¹⁰³ [...]

- [U.S. Department of State, 2013 International Religious Freedom Report - Pakistan, 28 July 2014](#)

[...] Government Inaction

The government’s general failure to investigate, arrest, or prosecute those responsible for societal abuses promoted an environment of impunity that fostered intolerance and acts of violence, according to domestic and international human rights organizations. In numerous cases during the year, authorities failed to protect victims of religiously motivated mob violence. [...]

On March 9, an alleged act of blasphemy prompted several thousand Muslim demonstrators to set fire to a Christian community in Joseph Colony, Lahore. The mob looted over 150 homes, at least 15 shops, and two churches before burning them to the ground. No deaths were reported. Then-President Asif Ali Zardari ordered an inquiry into the attacks. Human rights activists faulted the provincial government for not providing the minority community with adequate security, and stated police had failed to intervene as the mob attacked the neighborhood.

According to multiple media reports, a dispute between Christian youths and Muslim clerics sparked a mob attack in Gujranwala, Punjab, on April 3. A group of several hundred Muslims attacked Christian-owned businesses and properties, including the local church. Witnesses said police had stood by as the violence spread. A large group of Christians staged a retaliatory protest that injured three police officers. The clash between the Christians and Muslims ended after police and city officials worked with elders from both communities to restore the peace. Caretaker Punjab Chief Minister Najam Sethi said action would be taken against the people responsible for the riots, including negligent police officials. Police filed criminal cases against hundreds of Muslims and more than three dozen Christians for their role in the rioting, and created a joint committee to investigate the incident.

On June 3, a group of 12 armed men reportedly beat three Christian women and paraded them naked through the streets of Kasur. The incident stemmed from a dispute between one of the men and the women's family over property damage caused by goats. According to media reports, the police were slow to respond to the attack and were hesitant to file charges against the assailants. Pattoki Saddar police official Haji Abdul Aziz summarily dismissed the victims' claims, saying "the Christians are accusing innocent people." None of the assailants had been arrested at year's end. [...]

Religious minorities expressed concern that government actions addressing forced and coerced conversions of religious minorities to Islam by societal actors were absent or inadequate. For example, media reported the May 3 abduction of Rozi Munir, a minor Christian girl, who was allegedly forced to marry a recently-converted Muslim man. Munir and her abductor were married by a Muslim cleric on May 4. A magistrate judge reviewed the matter but postponed the hearing due to the "sensitive nature" of the case. [...]

Minority community leaders charged that the government failed to take adequate action to protect minorities from bonded labor in the brick-making and agricultural sectors, an illegal practice whose victims were disproportionately Christians and Hindus.

There were numerous reports of attacks by societal actors on holy places, cemeteries, and symbols of religious minorities, in which police failed to intervene. [...]

➤ [Minority Rights Group International, 'Everything has shattered' – rising levels of violence against Shi'a in Pakistan, 11 June 2014](#)

[...] Pakistan government's response

[...] While the Pakistani government is itself a target of militant attacks, its response to the increasing levels of violence against Shi'a and Hazara has been heavily problematic. The state has been criticized for failing to protect the Shi'a community and even accused of colluding with militants. While there has recently been a change of government, with the election in May 2013 of the Pakistan Muslim League (N), led by Nawaz Sharif, so far the handover appears to have brought little change for Shi'a, Hazara and other minorities, who remain vulnerable to militant attacks. The inadequate response of authorities is illustrated by the case of Malik Ishaq, the leader of LeJ, who has been implicated in a number of high-profile militant attacks and was reported in 1997 to have admitted involvement in the deaths of more than a hundred people. Despite this, after 14 years in prison he was released by the Supreme Court on July 2011.⁴² Since then, Ishaq has participated in public events where hate speech against Shi'a was propagated. He was briefly arrested in August 2012 and subsequently released before being arrested once again in February 2013. Though he was refused bail in January 2014, in March 2014 his request for bail was granted. [...]

More recent accusations of government failure to protect Shi'a Hazara were made after the attack on Hazara in Quetta on 16 February 2013. A leaked police secret dossier showed the police had information on the impending attack, including names and photos of the key perpetrators. Despite being privy to this, neither the Frontier Corps (FC) nor the police took action to make arrests. Had they done so at the time, the subsequent mass killing of Shi'a could have been avoided.

The issue is complicated further by the conflict in Baluchistan. In 2004, conflict resumed between Pakistan's security forces and armed separatists in the region. The Pakistani military and intelligence services have been accused of perpetrating serious human rights violations in Baluchistan, including extrajudicial killings and disappearances. Many Hazara believe that the Pakistani forces support militant attacks against Shi'a as they distract from its conflict with separatists and enable the continuation of human rights violations. [...]

Activists interviewed for this report also stated that Pakistani authorities were not taking adequate action against the spread of hate speech and targeted violence across the country. [...]

The Pakistani authorities have shown some signs of action in response to pressure from the community and moderate Sunnis. In 2013, after both the 10 January and 16 February bombings in Hazara Town, family members refused to bury their dead until the authorities took action against the militants.⁵¹ Subsequently, in March 2013 some 100 people were detained in Punjab Province⁵² and similar raids were conducted in Karachi in May. However, some activists have expressed scepticism about the level of commitment behind these actions. [...]

➤ [United States Commission on International Religious Freedom, - Annual Report 2014 - 15th Anniversary Retrospective: Renewing the Commitment, 30 April 2014](#)

[...] Key Findings

[...] Pakistan represents the worst situation in the world for religious freedom for countries not currently designated by the U.S. government as “countries of particular concern.” In the past year, conditions hit an all-time low due to chronic sectarian violence targeting mostly Shi’a Muslims but also Christians, Ahmadis, and Hindus. The previous and current governments failed to provide adequate protection or to arrest perpetrators. [...]

Religious Freedom Conditions 2013–2014

Targeted Sectarian Violence

The previous and current Pakistani government failed to intervene effectively against a spike in violence targeting the Shi’a minority community, as well as violence against Christians, Hindus, and Ahmadis. Authorities have not consistently brought the perpetrators of such violence to justice. [...]

➤ [Movement for Solidarity and Peace, Forced Marriages & Forced Conversions in the Christian Community of Pakistan, April 2014](#)

[...] Executive Summary

[...] Cases for forced marriages and conversions can be distinguished by a specific pattern or process: Christian girls — usually between the ages of 12 and 25 — are abducted, converted to Islam, and married to the abductor or third party. The victim’s family usually files a First Information Report (FIR) for abduction or rape with the local police station. The abductor, on behalf of the victim girl, files a counter FIR, accusing the Christian family of harassing the willfully converted and married girl, and for conspiring to convert the girl back to Christianity. Upon production in the courts or before the magistrate, the victim girl is asked to testify whether she converted and married of her own free will or if she was abducted. In most cases, the girl remains in custody of the abductor while judicial proceedings are carried out. Upon the girl’s pronouncement that she willfully converted and consented to the marriage, the case is settled without relief for the family. Once in the custody of the abductor, the victim girl may be subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuse. These patterns of violence and miscarriages of justice are explored later in the report through an examination of illustrative cases. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Freedom of thought, conscience and religion

[...] The religious rights guaranteed to citizens and “every religious denomination and sect” by the constitution notwithstanding, Pakistan’s record in protecting members of its religious and sectarian minorities from faith-based violence and discrimination has been far from impressive in recent years. In fact, the year under review saw continuation of the recent trend of violence and impunity that seemed to reinforce each other. The growing problems for the minorities came from extremist militant groups seeking to justify violence and brutalities in the name of religion. Secondly, the challenges came from the local factors; and finally, from the government’s failure to protect members of minority religions and sects from faith-based violence or to confront hate speech, intimidation or intolerance. This year also nothing was done to weed out discrimination against non-Muslim citizens written into law or to introduce safeguards widely acknowledged to be needed in order to prevent abuse of the blasphemy law. [...]

Few cases of religious violence Christians have resulted in prosecutions

- [Federal Office for Migration and Refugees \(Germany\), Briefing Notes, 10 November 2014](#)
 - [...] Pakistan
 - [...] Christian couple lynched by mob
 - On 04.11.14, a Christian couple was burnt alive by a mob near Lahore/Punjab; they were accused of having desecrated a copy of the Koran. The Punjab authorities set up a committee to speed up investigations. Also, security was enhanced in Christian neighbourhoods. In the past, only few cases of religious violence against minorities have resulted in prosecutions. [...]
 - Human rights lawyers who defend victims of blasphemy law abuse frequently face targeted threats of violence, sometimes leading to death. A Human Rights Commission of Pakistan lawyer was shot to death by gunmen in a targeted killing on 7 May 2014, for defending a university lecturer accused of blasphemy.⁹ Minority lawyers met by CSW are frequently barred entry into courtrooms or the judge's chamber and face hostility from mobs in courtrooms. Extremist organisations such as Sahaba Pakistan (SSP) know when minority cases are heard, and often organise busloads of protesters to intimidate the legal proceedings. Judges are afraid to hear prominent minority cases, knowing their lives are in danger, which makes progress painfully slow. It does not appear that a single legal case in Pakistan involving a minority gets timely justice, emphasising the desperate need for building up the broken system. [...]
- [BFA Staatendokumentation \(Austrian Federal Office for Immigration and Asylum, COI unit\), Country Analysis Reports: Pakistan – Challenges, October 2014](#)
 - [...] Religious minorities
 - [...] Societal violence
 - [...] For the NCJP [National Commission on Justice and Peace] the situation appears as if these acts of violence of an enraged crowd of people can break out, since usually in such cases the offenders are not penalized and consequently the deterrent effect is missing. The system of law is the same for all, says Human Rights Commission of Pakistan, HRCF, but there are serious problems, e.g. investigations of the police are often not properly. [sic]
 - [...] One form of attacks are target killings of members of religious minorities, for example, in 2012 this amounted to 20 incidents against Ahmadis and eleven against Christians. In general target killings strike mainly on locally-known members of the community, who have influential positions in their community or elevated professions, such as doctors and lawyers. Few of these killings led to arrest or convictions of the perpetrators. [...]
- [U.S. Department of State, 2013 International Religious Freedom Report - Pakistan, 28 July 2014](#)
 - [...] Executive Summary
 - The government's respect for and protection of the right to religious freedom remained poor. The government's limited capacity and will to investigate or prosecute the perpetrators of attacks against religious minorities allowed a climate of impunity to persist. [...]
 - Section III. Status of Societal Respect for Religious Freedom
 - [...] Relations among religious communities remained tense. Violence against religious minorities and among Muslim groups continued. While a small number of persons were involved in violent attacks, discriminatory laws and lack of reform of these laws, the teaching of religious intolerance, and the lack of police protection of minorities and prosecution of perpetrators created a permissive environment for such attacks. [...]
- [United States Commission on International Religious Freedom, - Annual Report 2014 - 15th Anniversary Retrospective: Renewing the Commitment, 30 April 2014](#)
 - [...] Key Findings
 - [...] Pakistan represents the worst situation in the world for religious freedom for countries not currently designated by the U.S. government as "countries of particular concern." In the past year, conditions hit an all-time low due to chronic sectarian violence targeting mostly Shi'a Muslims but also Christians, Ahmadis, and Hindus. The previous and current governments failed to provide adequate protection or to arrest perpetrators. [...]
 - Background
 - [...] The government failed to protect citizens, minority and majority alike, from sectarian and religiously-motivated violence, and Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence. [...]

Police perpetrate violence against Christians

➤ [U.S. Department of State, 2013 International Religious Freedom Report - Pakistan, 28 July 2014](#)

[...] Government Practices

[...] During the year media and NGOs reported killings and torture of religious minorities by government authorities. According to the local NGO Center for Legal Aid Assistance and Settlement (CLAAS), on June 10, police reportedly tortured to death an 18-year-old Christian, Adnan Masih, at Lahore's Sharakpur Sharif police station. During the six days he spent in custody, CLAAS stated police cut parts of Masih's body with a knife, beat him with an iron rod, broke his legs, and pulled out his fingernails and toenails, all in an attempt to force him to confess to taking part in the "abduction" of a local Muslim woman (who in fact had fled an abusive marriage). After holding him for six days, police reportedly broke Masih's neck and subsequently hung the body in a bathroom to make it appear he had committed suicide. In July the Asian Human Rights Commission reported an internal police inquiry had cleared three officers of any responsibility for Masih's death. According to NGO reports, Zafar Bhatti, a Christian pastor and head of a humanitarian NGO, Jesus World Mission, was poisoned and beaten by guards in the Adiala Jail in Rawalpindi after his arrest on charges of blasphemy in November 2012. Bhatti remained in custody at year's end as legal proceedings continued. [...]

Failure to prevent abuses of the blasphemy laws and judicial bias against minorities

➤ [BFA Staatendokumentation \(Austrian Federal Office for Immigration and Asylum, COI unit\), Country Analysis Reports: Pakistan – Challenges, October 2014](#)

[...] Religious minorities

[...] Blasphemy laws

[...] Under the blasphemy law it is very easy to accuse somebody. They are vaguely formulated and, therefore, easy to abuse. While the law requires as a legal safeguard the investigation to be executed by a senior police officer before a charge is filed, this was not uniformly enforced. According to reports the government did not prevent abuses under the blasphemy law. Nevertheless, comparatively few cases are reported each year. The accusations of blasphemy had been decreasing in the last years, but are now disproportionately rising. [...]

There are no systematic state measures for protection and no protection legislation or policies for such cases. In some cases compensation for false accusations was paid while in most not. The Bar Association of lawyers has a Solicitors Committee, which offers legal aid, but this tradition is becoming weaker. [...]

➤ [Amnesty International, Urgent Action: Woman sentenced to death for blasphemy, 24 October 2014](#)

On 16 October the Lahore High Court rejected the appeal against the death sentence of Asia Bibi, a Christian woman convicted on blasphemy charges. Asia Bibi, who is 45 years old and has five children, was initially found guilty of blasphemy on 8 November 2010 and sentenced to death under Section 295C of Pakistan's Penal Code for allegedly insulting the Prophet Muhammad during an argument with a Muslim woman.

There are serious fair trial concerns. Asia Bibi claims the evidence of her alleged blasphemy, which has been accepted by successive courts, was fabricated, and that she did not have access to a lawyer during her detention and the final day of her trial in 2010. Asia Bibi's lawyer has maintained that the case against her is based on hearsay. Human rights activists have voiced concerns that judges of the Lahore High Court may have rejected the appeal out of fear for their safety. Religious groups demanding her execution were present in court.

Asia Bibi has been kept in almost total isolation for her own protection since she was first arrested in 2009. Her mental and physical health have reportedly deteriorated during her time in detention including on death row, and her family and lawyers continue to fear for her safety. In December 2010, a prominent Islamic cleric offered half a million Pakistani rupees (about US\$5,000) to anyone who killed Asia Bibi.

Asia Bibi should never have been imprisoned, as the blasphemy laws are inconsistent with Pakistan's international human rights obligations to ensure the rights to freedom of expression and freedom of thought, conscience and religion. The laws are often used to settle personal disputes, and those accused of

blasphemy often become targets of violence. International law allows for the imposition of the death penalty only for the “most serious crimes”, which has been interpreted to refer to intentional killing only. While no one has ever been executed for blasphemy in Pakistan, since the blasphemy laws in their current form entered into force in the 1980s dozens of people from different religious communities, including Muslims, have been attacked and killed by private individuals following blasphemy accusations, including while in detention.

➤ [Christian Solidarity Worldwide, Pakistan: CSW calls on Supreme Court to expedite AsiyaBibi hearing, 17 October 2014](#)

[...] CSW’s Chief Operating Officer Andy Dipper said, “We are deeply disappointed by the decision of the Lahore High Court. AsiyaBibi’s sentence is a tragic reminder of the continued abuse of the dysfunctional blasphemy laws and the underlying weaknesses in Pakistan’s justice system. Deeply-rooted problems of prejudice, inefficiency, corruption, and under-resourcing are amplified in blasphemy cases, and even more so for religious minorities. The only hope she has for justice is when the case is heard in the Supreme Court. We urge Chief Justice NasirulMulk to consider AsiyaBibi’s case with the utmost urgency, and to ensure her safety both throughout and after the process.” [...]

➤ [Christian Solidarity Worldwide, Summary of concerns and recommendations, 1 August 2014](#)

[...] Judicial Problems

[...] Pakistan’s blasphemy laws and provisions targeting Ahmadis are of grave concern, but there is currently little room even to debate reform.

[...] Little evidence is required to register a case, so false accusations are frequently filed, often with a disregard for legal procedure and under threat from a violent mob. They are commonly used to settle personal scores, target religious minorities or further extremist agendas, in creating fear in the public at large to give Islamist organisations more sway. [...]

➤ [U.S. Department of State, 2013 International Religious Freedom Report - Pakistan, 28 July 2014](#)

[...] Government Practices

The government generally enforced existing legal and policy restrictions on religious freedom, particularly against Ahmadis. Government policies did not afford equal protection to members of majority and minority religious groups, and due to discriminatory legislation, minorities often were afraid to profess freely their religious beliefs. Minorities also complained the judiciary was biased against religious minorities, especially in cases involving blasphemy. [...]

Observers noted individuals frequently initiated blasphemy complaints against neighbors, peers, or business associates to settle personal grievances or to intimidate vulnerable people. While the law required a senior police official to investigate any blasphemy charge before a complaint was filed, this was not uniformly enforced.

As blasphemy cases moved through the justice system, lower courts often failed to adhere to basic evidentiary standards, which led to some convicted persons spending years in jail before higher courts overturned their convictions and ordered them freed for lack of evidence. Lower courts conducted proceedings in an atmosphere of intimidation by violent extremists and generally refused to free defendants on bail or acquit them for fear of reprisal. In an effort to avoid confrontation with or violence from extremists, judges and magistrates often delayed and continued trials indefinitely. [...]

Religious organizations and human rights NGOs expressed their concern over the failure to punish persons who made false blasphemy allegations. Although members of religious minorities comprised a disproportionate percentage of defendants in blasphemy cases, persons who made false blasphemy accusations were often not charged or were acquitted of such charges. [...]

➤ [United States Commission on International Religious Freedom, - Annual Report 2014 - 15th Anniversary Retrospective: Renewing the Commitment, 30 April 2014](#)

[...] Blasphemy laws

[...] Blasphemy laws are deeply problematic on a number of levels, and Pakistan’s is especially so. The so-called crime carries the death penalty or life in prison, does not require proof of intent or evidence to be presented after allegations are made, and does not include penalties for false allegations. Further, the laws do not provide clear guidance on what constitutes a violation, empowering accusers to apply their personal religious interpretations.

In September 2013, the Council of Islamic Ideology recommended against amending the blasphemy laws to add procedural safeguards, noting situations of misuse or fraud could be penalized through other sections of the Penal Code. In December, the Federal Shariat Court decreed that the death penalty is the only appropriate punishment for blasphemy. It requested the government remove life imprisonment as a sentence, but no action has been taken as of this writing. [...]

➤ [Amnesty International, Pakistan: Christian man sentenced to death under blasphemy law, 27 March 2014](#)

[...] Savan Masih, a Christian road sweeper from Lahore, was today sentenced to death by hanging for blasphemy and fined 200,000 rupees. He was arrested on 6 March 2013 after a friend accused him of making blasphemous remarks during an argument.

"This is a travesty of justice. There are serious concerns about the fairness of his trial, and an argument between two friends is not a basis for sending anyone to the gallows. Savan Masih must be released immediately and unconditionally," said David Griffiths, Amnesty International's Deputy Asia Pacific Director.

The vague formulation of the blasphemy laws, along with inadequate investigation by authorities and intimidation by mobs and some religious groups, has promoted vigilantism across Pakistan, especially in the northeastern state of Punjab. [...]

Is a Christian able to internally relocate within Pakistan to escape that risk?

With regards to internal relocation for Christians, the policy summary and 'consideration of issues' section state that:

Excerpt from CIG on Religious Freedom

Is a Christian able to internally relocate within Pakistan to escape that risk?

1.3.25 There is **not in general any obstacle to relocation** where substantial Christian communities reside. There are Christian communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces.

[...]

Policy summary

Some Christians in Pakistan face discrimination and attacks targeted against them by societal actors. In general, the government is willing and able to provide protection against such attacks and **internal relocation is a viable option.**

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.

The above highlighted text offers a very narrow assessment of whether internal relocation is available. The existence or lack thereof of 'obstacles' to relocation is only one aspect of the 'relevance' assessment of internal relocation. This section of the CIG fails to take into account the ability of the persecutor to pursue the claimant in the proposed site of relocation, and whether effective protection is available in that area. The age, gender, health, ethnicity, religion, financial circumstances and support network of the claimant, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including the claimant's ability to sustain themselves need also to be considered.

It is also inconsistent with the CIG on Women with regards to the reasonableness of internal relocation. See comments on '[Background information, including actors of protection, and internal relocation \(October 2014\)](#)' above.

Moreover the existence of Christian communities is not necessarily indicative that internal relocation will be both safe and reasonable. Indeed COI included in the CIG illustrates that Christian communities in Punjab province have been directly targeted, for example following an allegation of

blasphemy against a local resident (paragraphs 2.4.8 and 2.4.13). For further information on violence against Christians in Punjab and Sindh provinces between July 2013 and June 2014 (listed by city in Pakistan) see:

- [US Commission on International Religious Freedom. Factsheet: Pakistan - Violence Towards Religious Communities in Pakistan, August 2014](#)

Shi'as

The 'consideration of issues' section states with regards to whether protection for Shias is available:

Excerpt from CIG on Religious Freedom

Is a Shia Muslim able to seek effective protection?

1.3.35 **There is a general willingness by Pakistani authorities to protect Shias.** During Moharram, law enforcement authorities are known to provide security for participants. Armed forces have provided security for Shia pilgrims travelling to and from Iran. However, a lack of resources limits security forces to protect the Shia community at all times.

1.3.36 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of sufficient protection) is likely to be repeated.

However it is considered that this position is inconsistent with the COI contained in this section (emphasis added):

Excerpt from CIG on Religious Freedom

2.5.8 The US Commission on International Religious Freedom Annual Report 2013 reported **grossly inadequate state protection for Shia Muslims** and that 'the government has proven unwilling or unable to crack down on groups that repeatedly plan, conduct, and claim credit for attacks, or prevent future violence.' Some media sources reported police protection during times of sectarian tension.

Additional COI published in 2014 continues to document inadequate state protection for Shia Muslims:

- [BFA Staatendokumentation \(Austrian Federal Office for Immigration and Asylum, COI unit\), Country Analysis Reports: Pakistan – Challenges, October 2014](#)

[...] Sectarian Violence

[...] Attempts of prevention and containment

Human Rights organizations like Human Rights Watch have heavily criticised Pakistan as failing to crack down on sectarian violence and state that Sunni militant groups such as the banned Lashkar-e Jhangvi operate with virtual impunity across Pakistan. Human Rights Watch assumes that law enforcement officials either turn a blind eye or are helpless to prevent attacks. The reaction of the state has been described as grossly inadequate. Authorities have not consistently brought the perpetrators of such violence to justice. Pakistan's judiciary also critically remarks the state's performance in such violence. In September 2012, a panel of Supreme Court judges, led by Pakistan's Chief Justice Iftikhar Chaudhry, issued a highly critical statement of government efforts to bring security for Hazara in Quetta. Also, Pakistani Chief Justice Tassaduq Hussain Jiliani has on several occasions criticized the security situation for religious minorities and tasked the government to take remedial steps. However, in fact there are at least crackdowns and arrests against members of groups like Lashkar-e-Janghvi. [...]

- [US Commission on International Religious Freedom. Factsheet: Pakistan - Violence Towards Religious Communities in Pakistan, August 2014](#)

[...] The information gathered by the Project is based on reports and news articles in the public domain. The information is available thanks to the tireless work of human rights advocates and the openness of

Pakistan's media environment. The effort seeks to be inclusive, tracking all reported incidents involving physical attacks targeting a member of a religious community or a major religious gathering place (church, shrine, or mosque). However, it is not exhaustive and there are certain to be overlooked acts of violence. Also, each incident has not been independently verified, but the Factsheet provides a hyperlink to the supporting reporting. The findings of the Project show that religious-based violence continues to persist, with little to no effective Pakistani government response at federal, provincial, or local levels. While the attacks occurred in the context of general episodes of violence confronting the entire country, the overall climate for religious freedom continues to deteriorate. For instance, the past year saw several individuals sentenced to death for activity considered blasphemous. Regarding attacks on religious groups, the government failed to take steps to hold perpetrators accountable or protect the vulnerable. For example, Malik Ishaq, the leader of the terrorist organization Lashkar-i-Jhangvi, responsible for repeated attacks against Shi'a Muslims, was released from jail in May 2014. And Rashid Rehman was threatened for weeks before his murder, yet the government was unable or unwilling to provide protection or investigate the threats. Basic law enforcement is needed, as well as reform or repeal of the abusive blasphemy and anti-Ahmadi laws, which encourage violence against innocents. [...]

➤ [U.S. Department of State, 2013 International Religious Freedom Report - Pakistan, 28 July 2014](#)

[...] Government Inaction

The government's general failure to investigate, arrest, or prosecute those responsible for societal abuses promoted an environment of impunity that fostered intolerance and acts of violence, according to domestic and international human rights organizations. In numerous cases during the year, authorities failed to protect victims of religiously motivated mob violence.

There were continued attacks and killings of members of the Shia Muslim community that authorities failed to prevent or punish. According to the South Asia Terrorism Portal, during the year 504 Shia were killed in sectarian violence across the country, while another 965 were injured.

[...] Minority religious groups accused the government of inaction or complicity in multiple cases of extremist bombings and mob attacks on places of worship during the year. There were examples, however, where the government arrested and jailed a number of militant leaders responsible for sectarian attacks targeting Shia. On July 19, the Intelligence Bureau announced the capture and arrest of Masoom Bilal, the chief of a Lashkar-e-Jhangvi (LeJ) "death squad" that had launched sectarian attacks. In February the authorities arrested LeJ leaders Malik Ishaq and Ghulam Rasool after LeJ claimed responsibility for the February 16 bombing of a Hazara Shia community in Quetta. [...]

➤ [Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014, 3 July 2014](#)

[...] Pakistan

[...] Violence affecting various minority groups remained at alarmingly high levels, with Human Rights Watch (HRW) reporting 'unprecedented' levels of violence against Shi'a. In its annual report, HRW recorded over 400 Shi'a being killed in targeted attacks across the country during 2013; other NGOs reported higher figures.

Many of the most violent attacks against Shi'a have been concentrated in Baluchistan, in particular around the city of Quetta where there is a large community of 500,000 Shi'a Hazara. On 10 January, an estimated 91 people, mostly Hazara, were killed and at least 150 were injured in two attacks, a suicide bombing and a car bomb in the same location. The next month, at least 84 people were killed and over 160 were injured in a bomb attack on a bazaar in Quetta's Hazara Town.

Estimates of the death toll from these incidents by some local activists are even higher. The militant Lashkar-e-Jhangvi (LeJ) claimed responsibility for both incidents. In the context of the ongoing conflict between the government of Pakistan and Baluch nationalists, security forces have done little to prevent these attacks and have been accused of carrying out torture, disappearances and other rights abuses against suspects. However, efforts have been made by the Supreme Court to hold the security forces accountable for their violations, and the newly elected government has also expressed a commitment to ensure a speedy resolution of the cases of missing Baluch persons.

Attacks against Shi'a have also taken place elsewhere, including an explosion in Karachi in the beginning of March that killed at least 47 people and injured 135 outside a Shi'a mosque. According to MRG research, targeted attacks against Shi'a professionals such as professors, lawyers and religious leaders appear to be part of a campaign to demoralize the community. These incidents, far from being carried out in a social

vacuum, have capitalized on existing social anxieties and tension to provoke spiralling violence between communities. For example, in November, sectarian violence in Rawalpindi during the annual Shi'a religious procession marking the day of Ashura led to at least nine people being killed, many injured and a government-imposed curfew. The incident was reportedly sparked by hardline anti-Shi'a comments broadcast from a mosque. A judicial commission was established by the Lahore High Court to investigate the causes, although it quickly came under fire from Shi'a community leaders who called for it to be led by the Supreme Court instead [...]

➤ [Human Rights Watch, "We are the Walking Dead": Killings of Shia Hazara in Balochistan, Pakistan, 30 June 2014](#)

[...] Summary

[...] In recent years, Pakistan's Shia community, which constitutes some 20 percent of the country's overwhelmingly Muslim population, has been the target of an alarming and unprecedented escalation in sectarian violence. Armed Sunni militants have conducted numerous shootings and bombings across Pakistan, killing thousands of Shia citizens. Militants have targeted Shia police officers, bureaucrats, and a judge, Zulfiqar Naqvi, who was killed by motorcycle-riding assassins in Quetta on August 30, 2012. Human Rights Watch recorded at least 450 killings of Shia in 2012, the community's bloodiest year; at least another 400 Shia were killed in 2013. While sporadic sectarian violence between Sunni and Shia militant groups has long persisted in Pakistan, attacks in recent years have been overwhelmingly one-sided and primarily targeted ordinary Shia going about their daily lives.

This report documents Sunni militant attacks on the mostly Shia Hazara community in Pakistan's southwestern province of Balochistan from 2010 until early 2014. The Hazara in Balochistan, numbering about half a million people, find themselves particularly vulnerable to attack because of their distinctive facial features and Shia religious affiliation. More than 500 Hazaras have been killed in attacks since 2008, but their precarious position is reflected in the increasing percentage of Hazara among all Shia victims of sectarian attack. Approximately one-quarter of the Shia killed in sectarian violence across Pakistan in 2012 belonged to the Hazara community in Balochistan. In 2013, nearly half of Shia killed in Pakistan were Hazaras.

The sectarian massacres have taken place under successive governments since Pakistan's return to democratic governance in 2008. To many Hazara, the persistent failure of the authorities at both the provincial and national levels to apprehend attackers or prosecute the militant groups claiming responsibility for the attacks suggests that the authorities are incompetent, indifferent, or possibly complicit in the attacks.

While there is no evidence indicating official or systemic state patronage of the LeJ, the country's law enforcement agencies, military, and paramilitary forces have done little to investigate them or take steps to prevent the next attack. While the LeJ attacks are abuses by private actors, international human rights law places an obligation on governments to adequately investigate and punish persistent serious offenses—or be implicated in violations of human rights. [...]

The fact that repeated attacks on Hazaras go uninvestigated and unpunished and that elements within the security services and elected officials alike display discriminatory attitudes and hostility toward them generates a belief among many Hazara we interviewed that the military, Frontier Corps, and other state authorities in Balochistan are at best indifferent and at worst complicit in the attacks. These views gain traction from the fact that attacks and impunity continue despite the presence of significant military, paramilitary, and civilian security forces and intelligence agencies in Balochistan. [...]

➤ [World Federation of Khoja Shi'a Ithna-Asheri Muslim Communities, Written statement submitted by the World Federation of Khoja Shi'a Ithna-Asheri Muslim Communities, a non-governmental organization in special consultative status; The Curtailment of Freedom of Expression and Opinion in Malaysia and Pakistan, 4 June 2014](#)

[...] Since 2013, militants and terrorist organizations targeted Shi'a processions and mosques, as well as social gathering places, with impunity. Particularly large bombings occurred at a pool hall frequented by Shi'a in Quetta in January 2013 and on a busload of Shi'a pilgrims returning from the Islamic Republic of Iran in January 2014. Overall, advocacy organizations put the number of Shi'a killed across Pakistan during the past year at close to 700, with over 1000 wounded. The response by the Pakistani government has been grossly inadequate. Police, if present, have been unwilling to stop attackers before people are killed, and the government has not cracked down on the groups that repeatedly target Shi'a. [...]

➤ [United States Commission on International Religious Freedom, - Annual Report 2014 - 15th Anniversary Retrospective: Renewing the Commitment, 30 April 2014](#)

[...] Key Findings

[...] Pakistan represents the worst situation in the world for religious freedom for countries not currently designated by the U.S. government as "countries of particular concern." In the past year, conditions hit an all-time low due to chronic sectarian violence targeting mostly Shi'a Muslims but also Christians, Ahmadis, and Hindus. The previous and current governments failed to provide adequate protection or to arrest perpetrators. [...]

Background

[...] The government failed to protect citizens, minority and majority alike, from sectarian and religiously-motivated violence, and Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence. [...]

Religious Freedom Conditions 2013–2014

Targeted Sectarian Violence

The previous and current Pakistani government failed to intervene effectively against a spike in violence targeting the Shi'a minority community, as well as violence against Christians, Hindus, and Ahmadis. Authorities have not consistently brought the perpetrators of such violence to justice. [...]

Shi'a

During the reporting period, militants and terrorist organizations targeted Shi'a processions and mosques, as well as social gathering places, with impunity. Particularly large bombings occurred at a pool hall frequented by Shi'a in Quetta in January 2013 and on a busload of Shi'a pilgrims returning from Iran in January 2014. Overall, advocacy organizations put the number of Shi'a killed across Pakistan during the past year at close to 700, with over 1000 wounded. The response by the Pakistani government has been grossly inadequate. Police, if present, have been unwilling to stop attackers before people are killed, and the government has not cracked down on the groups that repeatedly target Shi'a. [...]

➤ [Human Rights Commission of Pakistan, State of Human Rights in 2013, March 2014](#)

[...] Freedom of thought, conscience and religion

[...] Numerous attacks claimed by extremist militant groups in various parts of the country targeted citizens from minority religious and sectarian groups. Much of the faith-based violence in 2013 targeted members of the Shia community, especially the Hazara Shias in Balochistan. All indications suggested that with extremists running amok life was going to be even tougher for religious minorities, sects and even moderate Sunnis. The bigotry and hatred were not the only troubling aspects. The use of violence by mobs and their ability to escape any punishment complicated matters. [...]

Sectarian violence

Members of the Shia Muslim community faced some of the most horrendous faith-based violence and hate speech during 2013. The year began with horrific acts of violence targeting the Hazara Shias in Balochistan. Sectarian violence continued throughout the year across the country, but most frequently in Quetta, Karachi, Peshawar, Hangu and Parachinar. [...]

A sustained hate campaign against Shias continued throughout the year, including wall chalking and clerics' diatribes, branding them infidels and calling for their murder. No efforts were made to proceed against the perpetrators. [...]

➤ [Immigration and Refugee Board of Canada: Pakistan: How Shia Muslims differ from Sunnis; treatment of Shias, particularly in Lahore and Multan; government response to violence against Shia Muslims \(2010-December 2013\) \[PAK104713.E\], 9 January 2014](#)

[...] 4. State Protection

4.1 Government Efforts

Several sources state that government efforts to address violence against Shia have not been sufficient (Jinnah Institute 2013, 23; US Apr. 2013, 119; AHRC 8 Feb. 2012). In their annual report for 2012, the US Commission on International Religious Freedom describes the response of the Pakistani government to violent attacks against Shia as "grossly inadequate" (US Apr. 2013, 120). Similarly, the Jinnah Institute said there is a "lack of political will" to address violence against Shia (Jinnah Institute 2013, 23). The Jinnah Institute representative stated that there is "no protection against targeted killings" of Shia and that the Pakistani government "generally has not done much, does not take responsibility, and seems unwilling to

take action" (ibid. 16 Dec. 2013). Similarly the AHRC reported that "[t]he State's machinery has either refused or failed to protect Shias and other religious minorities in Pakistan" (AHRC 8 Feb. 2012). The AHRC representative explained that "[t]he government does not appear to be doing anything for the protection [of] the Shia religious community except providing some security at the processions and at the religious places, which are mostly insufficient" (ibid. 17 Dec. 2013).

Media sources report cases in which the state has provided police support to strengthen security in Lahore and Multan during times of sectarian tension (Dawn 17 Nov. 2013; Plus News Pakistan 18 Nov. 2013; Rediff 26 Jan. 2011). For example, Plus News Pakistan notes that during the Ashura procession in November 2013, security arrangements in Lahore included the suspension of mobile phone services, blocking off the procession route and only allowing mourners to enter after security personnel checked ID cards (Plus News Pakistan 18 Nov. 2013). In addition, security measures included a special police squad ahead of the procession and monitoring by army helicopters (ibid.).

The HRCP reports that following several attacks against Shia pilgrims travelling through Balochistan in 2011, authorities required pilgrims to obtain permission prior to travelling through the province en route to Iran (HRCP Mar. 2013, 93). However, the same source notes that official escorts of Shia convoys travelling through the province only afforded the pilgrims "partial security" and they continued to be targeted in 2012 (ibid.).

Several sources state that militants targeting Shia Muslims act with "impunity" (US Apr. 2013, 120; Jinnah Institute 2013, 19; Human Rights Watch 5 Sept. 2012). According to the AHRC, the government has provided "safe shelters" for Sunni militant groups and the ruling party has made alliances with members of the ASWJ party (AHRC 17 Dec. 2013). Similarly, the MEMRI team expressed the view that the government of Punjab province, "promises religious harmony but is effectively shielding the culprits" (MEMRI 17 Dec. 2013). The same source expressed the view that the provincial government "received electoral support from the SSPASWJ-LeJ" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Senior army officials interviewed by the Jinnah Institute said that the army, which is responsible for leading counter-terrorism efforts, maintains a "'hands off policy towards sectarian conflicts'" (Jinnah Institute 2013, 20). [...]

Appendix

Useful sources to consult on the security situation in Pakistan

Source	Type of source (information taken directly from website)	Website's search function
Brookings Institution Afghanistan Index (includes selected data on Pakistan)	The Brookings Institution is a non-profit public policy organization based in Washington, DC, USA. The Afghanistan/Pakistan Index is a statistical compilation of economic, public opinion and security data. It provides updated and historical information on various data, including on security, governance and rule of law, economic and quality of life, and polling and public opinion. In addition it includes indicators, mainly security related indicators, in relation to Pakistan. The Index is updated on an almost monthly basis. (Brookings also tracks reconstruction and security in Iraq)	<ul style="list-style-type: none"> No search function across the fortnightly indexes.
Center for Research & Security Studies (CRSS) – Pakistan Conflict Tracker	The Center for Research & Security Studies (CRSS) is Pakistan first think-tank of its kind founded by civil society activists, committed to the cause of independent research and nonpartisan analysis to help people in and outside Pakistan better understand this nation of 180 million. The conflict monitor, Pakistan Conflict Tracker (PCT) maps the territory of the ongoing conflicts, pinpoint the drivers behind the conflicts, and offer, wherever necessary, background information that is critical to understand the nature and emerging conflict trends across Pakistan. The PCT page provides the following links: <ul style="list-style-type: none"> Monthly Analysis Reports Timeline (last updated March 2012) Datasheet (latest one available May 2013) Conflict Drivers (last updated February 2012) 	<ul style="list-style-type: none"> No search function
Council on Foreign Relations – Global Conflict Tracker	The Council on Foreign Relations (CFR) is an independent, nonpartisan membership organization, think tank, and publisher. The Global Conflict Tracker is an interactive guide to U.S. Conflict Prevention Priorities in 2014	<ul style="list-style-type: none"> Simple search function by country
Fund for Peace – Fragile States Index 2014	The Fund for Peace is an independent, nonpartisan, non-profit research and educational organization that works to prevent violent conflict and promote sustainable security. The Fragile States Index (FSI) focuses on the indicators of risk and is based on thousands of articles and reports that are processed by their Conflict Assessment Software Tool (CAST) from electronically available sources. Additional webpage of interest: <ul style="list-style-type: none"> Pakistan – Country data & trends 	<ul style="list-style-type: none"> Simple search function which allows for keyword searches
International Crisis Group – Pakistan country page	The International Crisis Group is an independent, non-profit, non-governmental organisation committed to preventing and resolving deadly conflict. The Pakistan country page links to recent publications and Crisis Watch: <i>CrisisWatch</i> is a monthly bulletin designed to provide readers in the policy community, media, business and interested general public with a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.	<ul style="list-style-type: none"> Simple search function which allows for keyword searches
National Consortium for the Study of Terrorism and	The National Consortium for the Study of Terrorism and Responses to Terrorism—better known as START—is a University of Maryland-based research and education center comprised of an international network of	<ul style="list-style-type: none"> Simple and advanced search functions by date,

Responses to Terrorism (START) – Global Terrorism Database (GTD)	<p>scholars committed to the scientific study of the causes and human consequences of terrorism in the United States and around the world.</p> <p>The Global Terrorism Database (GTD) is an open-source database including information on terrorist events around the world from 1970 through 2013 (with annual updates planned for the future).</p>	<p>region, country, perpetrator, weapon type, attack type, target type, terrorism criteria and casualties</p>
PAK Institute For Peace Studies (PIPS) - Internal security	<p>The Pak Institute for Peace Studies (PIPS) is an independent, not-for-profit non governmental research and advocacy think-tank. An initiative of leading Pakistani scholars, researchers and journalists, PIPS conducts wide-ranging research and analysis of political, social and religious conflicts that have a direct bearing on both national and international security.</p> <p>The internal security page contains links to periodic reports such as:</p> <ul style="list-style-type: none"> ○ Pakistan Monthly Security Reports ○ Weekly Security Reports (Khyber Pakhtunkhwa and FATA) ○ Balochistan watch ○ Katachi watch 	<ul style="list-style-type: none"> • No search function • For earlier editions need to subscribe to fee-paying PIPS Digital Database
Radio Free Liberty/Radio Europe Pakistan page	<p>Radio Free Europe/Radio Liberty reports the news in 21 countries where a free press is banned by the government or not fully established. The Pakistan country pages provides information in chronological order on:</p> <ul style="list-style-type: none"> ○ Latest news ○ Features & Commentary 	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches and searches by phrases ("...") only • Allows searches within time frames and limits searches by section
South Asia Terrorism Portal (SATP)	<p>SATP is the largest website on terrorism and low intensity warfare in South Asia, and creates the database and analytic context for research and analysis of all extremist movements in the region.</p> <p>By clicking on 'Pakistan' a list of options becomes available to access further information:</p> <ul style="list-style-type: none"> ○ Assessment ○ Backgrounders ○ Bibliography ○ Documents ○ Data Sheets ○ Timelines ○ Terrorist Groups 	<ul style="list-style-type: none"> • Simple search function for latest terrorism incident by date and keyword
Uppsala Universitet – UCDP Conflict Encyclopedia – Pakistan page	<p>The Uppsala Conflict Data Program (UCDP) collects information on a large number of aspects of armed violence since 1946. Since 2004, the UCDP also operates and continuously updates its online database (UCDP Conflict Encyclopedia) on armed conflicts and organised violence, in which several aspects of armed conflict such as conflict dynamics and conflict resolution are available</p> <p>Further information available by clicking on the following list of options:</p> <ul style="list-style-type: none"> ○ War & minor conflict ○ Non-state conflict ○ One-sided violence ○ Peace agreement 	<ul style="list-style-type: none"> • No search function

Useful sources to consult on the humanitarian situation in Pakistan

Source	Type of source (information taken directly from website)	Website's search function
Internal Displacement Monitoring Centre (IDMC), Pakistan country page	The IDMC is part of the Norwegian Refugee Council (NRC), an independent, non-governmental humanitarian organisation. It provides: <ul style="list-style-type: none"> ○ Pakistan figures analysis ○ Pakistan Internal displacement in brief ○ Publications, news and blog posts 	<ul style="list-style-type: none"> • Advanced search function which allows for: • BOOLEAN searches (AND, OR, NOT) and searches for phrases ("....") • It is not possible to search within particular time frames but searches can be organised by date and limited by theme
International Committee of the Red Cross (ICRC), Pakistan pages	In Pakistan, the ICRC supports the public, the authorities and the Pakistan Red Crescent Society in the event of armed violence or natural disaster. The Pakistan country page contains: <ul style="list-style-type: none"> ○ Latest News 	<ul style="list-style-type: none"> • Country pages • Simple search function which allows for: keyword searches, phrases, organises search results by relevance and date and limited by theme
IRIN news Pakistan country page	IRIN is a service of the UN Office for the Coordination of Humanitarian Affairs. It provides: <ul style="list-style-type: none"> ○ Humanitarian news and analysis by country and theme. 	<ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) ○ Limits searches by Services; Country; Theme; Report Type ○ Searches within time frames (From: To)
OHCHR, Pakistan country page	United Nations Human Rights: Office of the High Commissioner for Human Rights. Key documents Include: <ul style="list-style-type: none"> ○ Most recent concluding observations ○ Country visits by Special Procedures ○ Universal periodic review ○ News archives 	<ul style="list-style-type: none"> • Advanced search function which allows for searches by: • Phrase; ALL words; ANY words • Orders search by relevance or date
Relief Web, Pakistan country page	Relief Web is a specialised service of UNOCHA (see below) which provides reliable disaster and crisis updates and analysis to humanitarians. It provides: <ul style="list-style-type: none"> ○ Updates and analysis from more than 4,000 global information sources ○ Maps and info-graphics on crises and natural disasters 	<ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for BOOLEAN searches (AND, OR, NOT) and searches for phrases ("....") • Limits searches by: Country; organisation; theme; content format; feature; disaster type; vulnerable groups; publication date (by month); language
UNHCR, Pakistan country page	UNHCR is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. UNHCR country pages provide: <ul style="list-style-type: none"> ○ Statistical snapshot ○ Latest news 	<ul style="list-style-type: none"> • Country page does not have a search function • UNHCR home page has an advanced search function which allows for BOOLEAN

	<ul style="list-style-type: none"> ○ UNHCR fundraising reports ○ Background, analysis and policy ○ Statistics ○ Maps ○ Pakistan Fact Sheet 	<p>searches (AND, OR, NOT, ALL) and keyword by title</p> <ul style="list-style-type: none"> • Limits searches by category, country of origin, country of asylum • Searches within time frames
UN News Centre 'Advanced Search'	<p>Provides news and key UN resources:</p> <ul style="list-style-type: none"> ○ Latest developments ○ Maps of the region ○ Statement from the UN Secretary General; Security Council; General Assembly ○ Aid/development: UN Agencies & Programmes 	<ul style="list-style-type: none"> • The advanced search function allows for: • 3 distinct key word/set phrases • Searches within time frames • Searches limited by subject
UN OCHA, Pakistan page	<p>United Nations Office for the Coordination of Humanitarian Affairs. OCHA reports published:</p> <ul style="list-style-type: none"> ○ Humanitarian Bulletins (monthly) ○ Situation reports ○ Humanitarian Dashboards 	<ul style="list-style-type: none"> • Simple search function which allows for keyword and BOOLEAN searches (AND, OR, NOT) and searches for phrases ("...") only (cannot order search results by date)

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