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# Pakistan

COI Compilation

August 2016



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REPUBLIK ÖSTERREICH  
BUNDESMINISTERIUM FÜR INNERES



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ACCORD - Austrian Centre for Country of  
Origin & Asylum Research and Documentation

## Pakistan

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**This report does not contain information on the treatment of religious minorities in Pakistan.**

This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions.

The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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## List of Abbreviations

ANP - Awami National Party  
AQ – Al-Qaeda  
BLA - Balochistan Liberation Army  
BLF - Baloch Liberation Front  
BRA - Baloch Republican Army  
CNIC - Computerized National Identity Card  
FATA - Federally Administered Tribal Areas  
FC - Frontier Corps  
FCR - Frontier Crimes Regulations  
FIA - Federal Investigation Agency  
HM - Hizb-ul-Mujahideen  
HQN – Haqqani Network  
IMU - Islamic Movement of Uzbekistan  
IS (or ISIL or ISIS) - Islamic State (aka Da'ish, Islamic State of Iraq and the Levant, Islamic State of Iraq and Syria)  
ISI - Inter Intelligence Service  
JeM - Jaish-e-Mohammed  
KP - Khyber Pakhtunkhwa  
KPK - Khyber Pakhtunkhwa  
LeJ (or LJ) - Lashkar-e Jhangvi  
LeT - Lashkar-e-Taiba  
LI - Lashkar-e-Islam  
MQM - Muttahida (earlier, Muhajir) Qaumi Movement  
NA - National Assembly  
NACTA - National Counter Terrorism Authority  
NDMA - National Disaster Management Authority  
NOC - Non-objection certificate  
NWFP - North-West Frontier Province  
PATA - Provincially Administered Tribal Areas  
PML-N - Pakistan Muslim League-Nawaz  
PPA – Protection of Pakistan Act  
PPO – Protection of Pakistan Ordinance  
PPP - Pakistan People's Party  
PTI - Pakistan Tehreek-e-Insaf  
SDLF - Sindhu Desh Liberation Front  
SMP - Sipah-e-Muhammad Pakistan  
SSP - Sipah-e-Sahaba Pakistan  
TJP - Tehreek-e-Jaferia Pakistan  
TNSM - Tehreek-e-Nifaz-e-Shariat-e-Mohammadi  
TTP - Tehreek-e-Taliban Pakistan  
UBA - United Baloch Army

# 1 Background information

## 1.1 Geographical information



Source: CIA – Central Intelligence Agency: Pakistan Administrative Map, 2010

[https://www.cia.gov/library/publications/resources/cia-maps-publications/map-downloads/Pakistan\\_Admin.pdf](https://www.cia.gov/library/publications/resources/cia-maps-publications/map-downloads/Pakistan_Admin.pdf)

Pakistan has a size of 796.000 square kilometres and is located in the northwest part of South Asia, bordering India in the east, Iran and Afghanistan in the west and China in the north (National Geographic, undated; CIA, last updated 11 July 2016). The country is divided into three major geographic areas, constituting “the northern highlands, the Indus River plain in the center and the east, and the Balochistan Plateau in the south and west” (CIA, last updated 11 July 2016). In the south, Pakistan borders the Arabian Sea. With the exception of Karachi, the coast is sparsely populated (German Foreign Office, May 2016). While most of Pakistan's population lives along the river Indus, the land west of the river becomes increasingly arid and mountainous. In the north are the mountain ranges of the Hindu Kush and Karakoram which include the 8,611 metres (28,250 feet) high K2, the world’s second highest mountain (National Geographic, undated). The climate varies from hot dry desert, to temperate in the northwest and arctic in the north (CIA, last updated 11 July 2016).

According to the last population census from 1998, Pakistan has 133 inhabitants, a number which is likely to have grown to around 175 to 195 million people. Estimates for the provinces show that Punjab (90 million inhabitants) and Sindh (36 million inhabitants) are the most populated provinces, Khyber-Pakhtunkhwa has 21 million, Balochistan has 8 million and the Federally Administered Tribal Areas (FATA) around 4 million inhabitants. Azad Jammu & Kashmir and Gilgit-Baltistan, which are administered by Pakistan, have approximately 3.5 million and 1 million inhabitants respectively (German Foreign Office, May 2016).

The following map shows the districts of the Pakistani provinces as well as the Agencies and Frontier Regions (FR) of the Federally Administered Tribal Areas (FATA):

- USAID/IMMAP - United States Agency for International Development/Information Management and Mine Action Programs: Pakistan Reference Map, 30 May 2012  
<http://immap.org/maps/files/maps/801.pdf>

## 1.2 Brief overview of linguistic, ethnic and religious groups

Islam is the official religion in Pakistan encompassing 96.4 per cent of the population, and according to the CIA World Factbook, around 85 to 90 per cent of the Muslim population is Sunni, and 10 to 15 per cent are Shia. Around 3.6 per cent of the total population practice another religion, including Christianity and Hinduism (CIA, last updated 11 July 2016). Minority Rights Group International (MRG) writes the following on the different ethnic and religious groups in Pakistan:

“Pakistan is a pluralistic society with myriad religious and ethno-linguistic identities. This diversity has been shaped by ongoing demographic changes throughout its existence. Broadly, however, the proportion of religious minorities in relation to the overall population has drastically declined. The upheaval wrought by partition in 1947 saw an outflow of Hindus and an inflow of Muslims from India. In subsequent decades, but particularly from the 1980s onward, migration has changed the composition of Pakistani society, and many members of minority communities have fled Pakistan to escape persecution and pursue better economic prospects abroad. [...] A sense of exclusionary nationalism has also developed in Pakistan, and this has had dire effects on the status and rights of many religious groups in the country.

[...] In addition to the divide between Sunni and Shi'a Muslims, there are further notable subdivisions within Sunni Islam, primarily between Barelvi and Deobandi strands, which are perceived by hardliners to be at odds with one another. [...] In addition, although there are other smaller religious groups in Pakistan, including Sikhs, Parsis, Zikris, Bahá'í, Buddhists and Kalasha, the largest and most prominent minority religious groups are Hindus, Christians and Ahmadis." (MRG, 9 December 2014, p. 6)

The Pakistan Institute of Legislative Development And Transparency (PILDAT), a Pakistan-based independent think tank working towards strengthening democracy, notes in a report dated October 2011 that "Pakistan is a multilingual, multiethnic and multicultural country with more than sixty (60) languages being spoken and dozens of ethnicities residing in it" (PILDAT, October 2011, p. 8). According to the CIA World Fact Book, ethnic groups in Pakistan include Punjabis (44.68 per cent of the population), Pashtuns (15.42 per cent), Sindhis (14.1 per cent), Sariakis (8.38 per cent), Muhajirs (7.57 per cent), Balochis (3.57 per cent) and others (6.28 per cent) (CIA, last updated 11 July 2016). Minority Rights Group International (MRG), a London-based human rights organization advocating for the rights of ethnic, religious and linguistic minorities worldwide, notes that "Pakistan's officially recognized nationalities are the Punjabis, the Sindhis, the Pathans [Pashtuns] and the Baluchis" (MRG, undated).

In its state party report on the implementation of the Convention on Elimination of Racial Discrimination (CERD), the government of Pakistan writes that "more than 90 % of the population of Pakistan belongs to six major language speaking groups consisting of Punjabi, Pashto, Sindhi, Urdu, Saraiki and Balochi" (Government of Pakistan, 26 November 2015, p. 5). The CIA World Fact Book points out that among the native languages spoken in Pakistan are Punjabi (48 per cent of the population), Sindhi (12 per cent), Saraiki (a Punjabi variant) (10 per cent), Pashto (8 per cent), Urdu (official language, 8 per cent), Balochi (3 per cent), Hindko (2 per cent), Brahui (1 per cent), English (official language; lingua franca of Pakistani elite and most government ministries), Burushaski and others (8 per cent) (CIA, last updated 11 July 2016).

In an August 2007 report to the UN Committee Against Racial Discrimination, the Asian Centre for Human Rights (ACHR), an NGO based in New Delhi, mentions Turwalis, Kafiristanis, Burusho, Hindko, Brahui, Kashmiris, Khowar, Shina, and the Kalash as smaller ethnic groups in Pakistan and additionally Pakhtuns, Tajiks, Uzbeks, Turkmen and Hazaras who came as Afghan refugees to the country. There are also a "large number of Bengalis, Arabs, Burmese, and African Muslim refugees" who "have permanently settled in Karachi, whilst hundreds of thousands of Iranian migrants are scattered throughout the country." (ACHR, August 2007, p. 13)

In a guide to ethnic groups in the contemporary world, published 1998, cultural anthropologist David Levinson notes that Pakistan comprises four provinces – Sindh, Baluchistan (today's Balochistan), Punjab and North-West Frontier Province (today's Khyber Pakhtunkhwa) – and that, in general terms, "the ethnic composition matches the four groups associated with these regions – Sind, Baluch [Baloch], Punjabi, and Pashtun" (Levinson, 1998, p. 267). Levinson provides the following ethnographic overviews of the four groups, as well as the Muhajirs (or Muhajireen):

“The Baluch (Baluchi) [Baloch (Balochi)] live in Pakistan’s western province of Baluchistan [today’s Balochistan], in Iran, and in Afghanistan. In Pakistan, they also live in Sindh and Punjab. Estimates are unreliable, but the Baluch [Baloch] probably number about five million in Pakistan, Iran, and Afghanistan. The smallest of the four major ethnic groups in Pakistan, the Baluch [Baloch] are Sunni Muslims and trace their ancestry to Arab lineage and to Muhammad (the founder of Islam). It is likely, however, that some ancestors of the Baluch [Baloch] were resident in the region prior to the arrival of Islam. The Baluch [Baloch] live a seminomadic lifestyle based on farming and the herding of cattle, sheep and goats. Three dialects of the Baluch [Baloch] are spoken. Political organization is based on clans and tribes, and tribal leaders wield considerable authority and influence.

The Sindh live primarily in Sindh Province in southeastern Pakistan and number about 16 million, or 13% of the national population. Sindh itself has an ethnically heterogeneous population. The two major groups are the Sind and the Muhajireen. The Sind are the traditional residents of the region, speak three dialects of the Sindhi language, and are relatively poor farmers who grow wheat, cotton, rice, and other crops in irrigated fields. About 80% are Muslims, and 20% are Hindus. [...] Prior to the separation of India and Pakistan in 1947, the region had several million more Hindus and Sikhs. Many of them fled to India while Sindh in India, who were mainly Muslims and spoke Urdu, immigrated to Pakistan. This population is known as the Muhajireen or ‘new Sindhis,’ and they are mainly urban and middle class. [...]

Pashtuns (Pakhtuns, Pathan) live primarily in the North-West Frontier Province [today’s Khyber Pakhtunkhwa] where they number about 11 million. There are also about 1.2 million Pashtun refugees from Afghanistan in the region and about 10 million Pashtuns in Afghanistan. The Pashtun live across a large region and in different administrative districts, and for those reasons there is considerable cultural diversity within the population. However, there is also considerable similarity and a strong sense of Pashtun identity, which rests on speaking the Pushto language, adherence to Sunni Islam, belief in descent from a common ancestor, and a strong sense of male honor. The Pashtun are a tribal society in the sense that the traditional primary social units were regional tribes composed of clans, which were in turn composed of lineages of related people who traced their family ties through their fathers’ lines.

The Punjab is the fertile agricultural region that lies in both Pakistan and India. The Punjabi are the major ethnic group in the region and number about 85 million in Pakistan, or about 66% of the national population. Almost all Punjabis in Pakistan are Sunni Muslims [...]. Most Punjabis live in village farming communities. They are farmers and landowners, or are involved in occupations that support farming. Other Punjabis work in the professions and service industries in Pakistan’s cities and have benefited from the economic development of the region in the last few decades. Rural Punjabis are organized into numerous occupational castes; the Jats (farmers) and Rajputs (landowners) are the two best known. Punjabis speak

numerous dialects of the Punjabi language, and upper-class Punjabis in the cities speak Urdu.” (Levinson, 1998, pp. 267-268)

Levinson also briefly mentions a number of smaller ethnic groups and casts including the Brahui (a Sunni Muslim tribal people in Balochistan and Sindh numbering about one million who subsist through farming and herding); the Burusho (Hunza) and small groups who speak Dardic languages in the North; the Kalasha (Hindus) in Khyber Pakhtunkwa; the Khoja trading caste of Ismaili Muslims; the Kohistani Muslim farmers; and the Sidi (former African slaves, who form a caste of religious specialists in Sindh) (Levinson, 1998, p. 268).

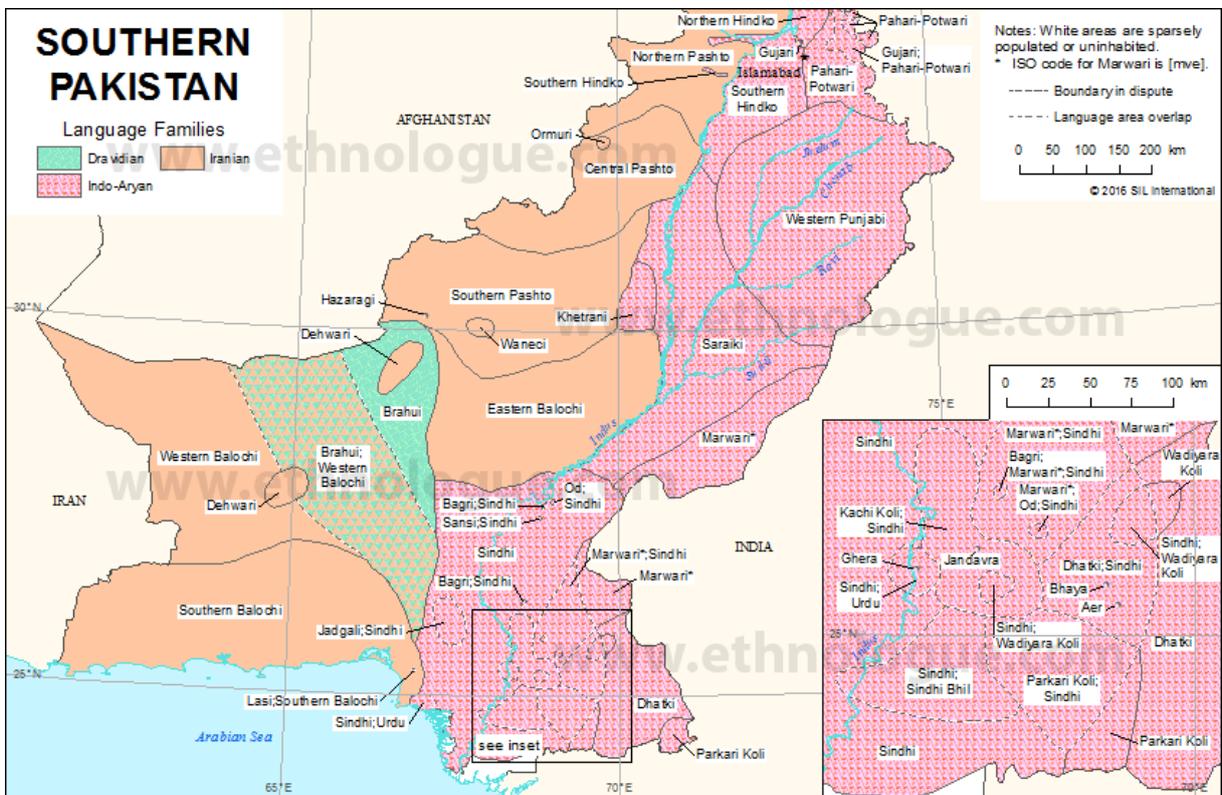
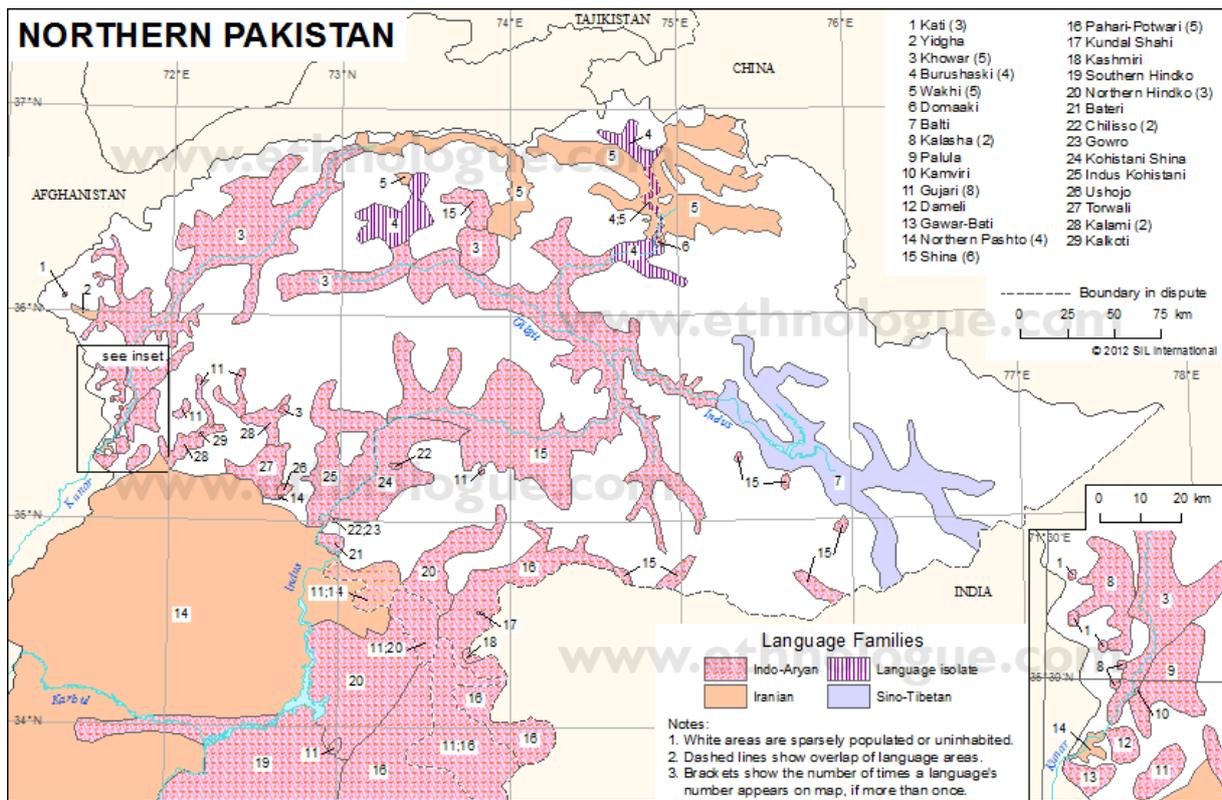
Minority Rights Group International (MRG) also writes in a 2009 report that “the most numerically prominent ethnic groups also have corresponding provinces with autonomous competencies, where they form regional majorities, thus forming provincial units within the Islamic Republic” and gives a more detailed account of the distribution of ethnic groups in the provinces:

“[T]he provinces are not ethnically homogeneous, nor is the entirety of any single ethno-linguistic group exclusively concentrated in any one province. Punjabis constitute 75.23% of the population in Punjab Province, while the Siraikis are the other major group within that same province and constitute 17.36% of the provincial population. However all members belonging to the Siraiki and Punjabi groups do not reside in Punjab Province exclusively; though that is where they are concentrated. As such the percentage of these ethno-linguistic groups, at the national level, denotes the entire population of ethno-linguistic groups as spread over all provinces. With this in mind, the Punjabi group stands at 44.15% nationally, while the national percentage of Sirakis across all provinces is 10.53%.” (MRG, 2009, p. 6)

The following links provide maps from Michael Izady at Columbia University’s Gulf 2000 Project, which was created as a service to professionals such as for example scholars, government officials and journalists associated with the Persian Gulf, illustrate the distribution of ethnic groups (2007-2014) and languages (2007, 2015) in Pakistan. Izady is a cartographer and writer on ethnic and cultural topics, particularly the Greater Middle East:

- Izady, Michael: Pakistan, Ethnic groups, 2007-2014 (available at Gulf 2000 website) [http://gulf2000.columbia.edu/images/maps/Pakistan\\_Baluchistan\\_Ethnic\\_lg.png](http://gulf2000.columbia.edu/images/maps/Pakistan_Baluchistan_Ethnic_lg.png)
- Izady, Michael: Pakistan, Languages, 2007, 2015 (available at Gulf 2000 website) [http://gulf2000.columbia.edu/images/maps/Pakistan\\_Baluchistan\\_Linguistic\\_lg.png](http://gulf2000.columbia.edu/images/maps/Pakistan_Baluchistan_Linguistic_lg.png)

The following maps from the linguistic research project Ethnologue show the languages spoken in Northern and Southern Pakistan:



Source: Ethnologue (edited by M. Paul Lewis, Gary F. Simons, Charles D. Fenning): Languages of the World: Languages of Pakistan, Nineteenth edition, 2016

[http://www.ethnologue.com/map/PK\\_s](http://www.ethnologue.com/map/PK_s)

In his encyclopaedia of ethnic groups of South Asia and the Pacific, published 2012, independent researcher James B. Minahan provides the following information on the Saraiki ethnic group:

“The Saraikis, sometimes known as Multanis, Seraikis, or Siraikis, are a Pakistani ethnic group inhabiting parts of central and southeastern Pakistan, primarily in Punjab Province, with smaller communities in adjacent parts of Indian Punjab, in other parts of Pakistan, Afghanistan, and in the United Kingdom. The estimated 15.2 million Saraikis speak an Indo-Aryan language that is the second most widely spoken in Pakistani Punjab. Many Saraikis also speak other regional languages along with Urdu and English, the two official languages of Pakistan. A large majority of Saraikis are Muslim, with smaller Hindu, Sikh, and Christian communities. [...] The Saraiki language is an Indo-Aryan one that has been developed as a standard language from a large number of disparate dialects since the founding of Pakistan in 1947. Historically, the Sarikis did not see themselves as a separate ethnic group.” (Minahan, 2012, pp. 283-284)

Levinson, in his book cited above, notes that most inhabitants feel a stronger allegiance to their tribe or ethnic group than to the Pakistani nation, regardless of whether they live in their home province, in other provinces than their own or in cities that are ethnically diverse such as Karachi. The fact that there is no national language spoken by a majority of the population also contributes to ethnic division. Despite being the national language and the primary literary language of Pakistan, Urdu is foreign to most Pakistanis, who speak their respective ethnic languages in daily life. As noted by Levinson, Urdu is associated with the Muhajirs (Levinson, 1998, p. 268). In her contribution to a volume on Pakistan published 1995, Anita M. Weiss, then Associate Professor of International Studies at the University of Oregon (USA), similarly states that Urdu is the official national language of Pakistan even though it is the native language of only 8 per cent of the population. Those who speak Urdu as their native language commonly refer to themselves as muhajirs. Many people from educated backgrounds (and those people who attempt to achieve upward mobility) use Urdu language at home, “usually to help their children master it”. The Punjabi elite in towns and cities, for example, “favor Urdu, although villagers in Punjab speak a plethora of similar dialects”. (Weiss, 1995, p. 105)

Detailed information on ethnic groups and languages of Pakistan can be found on the linguistic research project Ethnologue and on the website of the Christian missionary Joshua Project:

- Ethnologue (edited by M. Paul Lewis, Gary F. Simons, Charles D. Fenning): Languages of the World: Languages of Pakistan, Nineteenth edition, 2016  
<http://www.ethnologue.com/country/PK/languages>
- Joshua Project: Pakistan – People Groups, undated  
<http://www.joshuaproject.net/countries.php?rog3=PK&listing=Y>

Further information on the Ahmadis, Balochis, Hindus, Pashtuns, the Sindhis and the Muhajirs in Pakistan is also included in the World Directory of Minorities and Indigenous People, published by the London-based Minority Rights Group International (MRG) in 2008:

- MRG - Minority Rights Group International: World Directory of Minorities and Indigenous Peoples: Pakistan: Ahmaddiyas, 2008 (available at Refworld)  
<http://www.refworld.org/docid/49749cd35a.html>
- MRG - Minority Rights Group International: World Directory of Minorities and Indigenous Peoples - Pakistan: Baluchis, 2008 (available at Refworld)  
<http://www.refworld.org/docid/49749cd32.html>
- MRG - Minority Rights Group International: World Directory of Minorities and Indigenous Peoples - Pakistan: Hindus, 2008 (available at Refworld)  
<http://www.refworld.org/docid/49749cd23c.html>
- MRG - Minority Rights Group International: World Directory of Minorities and Indigenous Peoples- Pakistan: Pathans, 2008 (available at Refworld)  
<http://www.refworld.org/docid/49749cd22.html>
- MRG - Minority Rights Group International: World Directory of Minorities and Indigenous Peoples - Pakistan: Sindhis and Mohajirs, 2008 (available at Refworld)  
<http://www.refworld.org/docid/49749cd123.html>

### 1.3 Brief overview of political institutions

Pakistan is a federal state comprising the provinces of Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa (formerly North West Frontier Province - NWFP) and the Federally Administered Tribal Areas (FATA). The Pakistani Constitution provides that no act of Parliament is applicable to FATA unless so ordered by the President (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 247 (3)). In November 2015, a committee was formed in order to “consider options for reforming the FATA that would [...] potentially fold them into one of Pakistan’s other provinces” (Freedom House, 27 January 2016). No reforms have been implemented at the time of the publication of this compilation (Express Tribune, 5 July 2016; Dawn, 13 June 2016a; TNN, 31 July 2016)

Pakistan also controls the territories of Gilgit-Baltistan (formerly known as “Northern Areas”) and Azad Jammu & Kashmir (AJK - “Free Kashmir”), which form the part of Kashmir that is located on the Pakistani side of the line of demarcation drawn between Pakistan and India (“Line of Control”) (German Foreign Office, May 2016).

Legislative power in Pakistan is vested in the Parliament, which constitutes the National Assembly and the Senate (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 50). Each province also has an elected provincial assembly (Constitution of Pakistan, 1973, amended as of 7 January 2015, Part IV, Chapter 2). In the framework of the 18<sup>th</sup> amendment of the Constitution, which was passed in 2010, “[l]aws governing marriage, contracts, firearms possession, labor, educational curriculums, environmental pollution, bankruptcy, and 40 other diverse areas” were devolved to the provinces, with each provincial assembly being responsible for drafting its own legislation (CAP, 19 April 2010).

The Bertelsmann Stiftung, a German non-profit think tank based in Gütersloh, writes the following on the National Assembly in Pakistan:

“While the National Assembly is the forum to discuss and legislate on different policy issues, it is also the executive arm of the state that is responsible for implementing these decisions. [...] According to the constitution, political authority is divided between the legislature, the executive and the judiciary. However, in practice, this division is not strictly upheld in Pakistan. The parliament is generally the weakest state institution.” (Bertelsmann Stiftung, 2016, pp. 7-8)

Article 50 of the Constitution stipulates that “[t]here shall be a Majlis-e-Shoora (Parliament) of Pakistan consisting of the President and two Houses to be known respectively as the National Assembly and the Senate” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 50). In the 342-member National Assembly, 272 seats are directly elected by the people using a first-past-the-post voting system. The National Assembly is elected for five-year terms. 60 seats are reserved for women and 10 for representatives of religious minorities (German Foreign Office, May 2016). The US-based International Foundation for Electoral Systems (IFES), an international nonprofit organisation advocating electoral democracy, explains that the “the 70 reserved seats are elected by proportional representation with a 5 per cent threshold” (IFES, 2016). In Article 51 of the Constitution it is established that “the seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 51 (5)). The allocation of seats is the following: “Punjab (148 seats); Sindh (61 seats), the Khyber Pakhtunkhwa (35 seats), Balochistan (14 seats), the Federally Administered Tribal Area (FATA, 12 seats), and the Federal Capital (2 seats)” (National Assembly, undated (a)). The European Union Election Observation Mission (EOM), which provides electoral assistance worldwide, explains the following about the representation of FATA and the territories Gilgit-Baltistan, and Azad Jammu and Kashmir:

“FATA has a different legal structure, and as it is federally administered, its elected representatives are in the NA but have a limited role in governance of the territory. Gilgit-Baltistan, and Azad Jammu and Kashmir are not represented in the federal parliament. These areas have their own constitution and elected assemblies, however they still remain under de facto Pakistani rule.” (EOM, 10 July 2013, p. 8)

For an overview of the government structures and political system of Azad Jammu & Kashmir and Gilgit-Baltistan, please see pages 7 to 12 of the May 2012 ACCORD COI Compilation:

- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Pakistan-administered Kashmir (Azad Kashmir and Gilgit-Baltistan) - COI Compilation, 7 May 2012 (available at [ecoi.net](http://www.ecoi.net))  
[http://www.ecoi.net/file\\_upload/90\\_1337596756\\_accord-pakistan-20120507-kashmir.pdf](http://www.ecoi.net/file_upload/90_1337596756_accord-pakistan-20120507-kashmir.pdf)

The Senate of Pakistan has 104 members, of whom 92 are elected by the provincial assemblies (23 by each provincial assembly, including 14 Senators on general seats, four technocrats including Ulema [religious scholars, remark ACCORD], four women and one seat reserved for non-Muslims). Eight Senate members are elected from the Federally Administered Tribal Areas (FATA), while four members (two Senators on general seats, one woman and one technocrat including Aalim [religious scholar, remark ACCORD]) are elected from the Federal Capital

(Senate of Pakistan, undated (a)). The International Foundation for Electoral Systems (IFES) notes that “senate members are indirectly elected by the provincial assemblies and the territories’ representatives through a proportional representation single transferable vote. Members serve six-year terms with one half elected every three years” (IFES, 2016).

The Islamic Republic of Pakistan has a President, who is Head of State, and a Prime Minister, who is head of government (Constitution of Pakistan, 1973, amended as of 7 January 2015, Articles 41 and 90). According to the Constitution, the President of Pakistan is to be Muslim and at least 45 years old. He is elected for a five year term by the members of an electoral college, which consists of the members of both Houses in Parliament as well as the members of the Provincial Assemblies (Constitution of Pakistan, 1973, amended as of 7 January 2015, Articles 41, 44). The Prime Minister is the head of the Cabinet of Ministers and should “aid and advise the President in the exercise of his functions” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 91 (1)). The Prime Minister is elected by “[...] the votes of the majority of the total membership of the National Assembly” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 91 (4))

The President, on the advice of the Prime Minister, appoints a Governor for each Province (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 101). The Governor is head of the provincial government, which consists of a Chief Minister and Provincial Ministers (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 129). Each province also has an elected provincial assembly which reserves seats for women and non-Muslim representatives. The national assembly of Balochistan has a total of 65 seats of which 11 are reserved for women and 3 for non-Muslims, Khyber Pakhtunkhwa has a total of 124 seats (22 for women; 3 for non-Muslim), Punjab has 371 seats (66 for women, 8 for non-Muslim) and Sindh has 168 (29 for women, 9 for non-Muslims) (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 106).

In an overall assessment of the political institutions of Pakistan, the Bertelsmann Stiftung writes the following in its Pakistan Country Report 2016:

“Despite recurrent bouts of military dictatorships in Pakistan, commitment to democratic institutions and norms remains the ideal of most people, associations, and civic organizations. Democracy holds the custodian of power accountable. However, during 2013-14, no effort was made by the representatives of the people to operationalize this concept into the politics of Pakistan. At both the federal and provincial levels, rulers personalized power and demanded an uncritical acceptance of all decisions made by them. They used the state apparatus and resources in a partisan manner without accountability. There are many reasons for the inability of democratic institutions in Pakistan to take root. Most of the political parties in Pakistan are based on personality cults safeguarding the interests of the elite. The military has a near hegemony in foreign policy decision-making vis-à-vis Afghanistan, India, and the war on terror.” (Bertelsmann Stiftung, 2016, p. 10)

## 1.4 Brief overview of legal and judicial institutions

The German non-profit think tank Bertelsmann Stiftung explains that “[t]he 1973 constitution declares Pakistan an Islamic republic. It states that the laws in Pakistan should be in accordance with the shari’ah.” However, the source continues to say that the shari’a “has little influence on law making in Pakistan. Most of the laws follow the British model and the conventional practices in the subcontinent.” Bertelsmann Stiftung identifies “areas where the shari’ah has heavily influenced the judicial practices in Pakistan” to include blasphemy laws and the Hadood Ordinances (Bertelsmann Stiftung, 2016, p. 5).

The Constitution of Pakistan provides that “[t]here shall be a Supreme Court of Pakistan, a High Court for each Province (and a High Court for the Islamabad Capital Territory) and such other courts as may be established by law” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 175). The CIA World Fact Book lists the following courts which exist in Pakistan: the Supreme Court of Pakistan, the High Courts, the Federal Shariat Court, provincial and district civil and criminal courts and specialized courts for issues such as taxation, banking, customs (CIA, last updated 11 July 2016). Additionally, the Constitution provides for a Supreme Judicial Council, which consists of the Chief Justice of Pakistan, the two next most senior Judges of the Supreme Court, and the two most senior Chief Justices of the High Courts (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 209). In a May 2015 report on the judicial system of Pakistan, published by the Federal Judicial Academy of Pakistan, a training institute for judges, law officers, court personnel and other professionals in the justice sector, the Supreme Judicial Council is described in the following terms:

“The system of accountability is an essential prerequisite of the independence of judiciary. The Constitution of Pakistan prescribes such procedure in the form of Supreme Judicial Council. The Supreme Judicial Council is a unique institution, which comprises the senior most judges in judicial hierarchy and entrusted with the onerous responsibility of deciding complaints that are referred to it. The Supreme Judicial Council is comprised of the Chief Justice of Pakistan, as Chairman, with two most senior Judges of the Supreme Court and two most senior Chief Justices of High Courts, as members. The Registrar, Supreme Court of Pakistan acts as its Secretary. On a reference received from President or through suo moto action, the Supreme Judicial Council investigates the matter and presents its finding to the President. If the Council decides that the Judge is incapable of performing the duties of office or is guilty of misconduct, and therefore should be removed from office, the President may order the removal of such judge. A judge may not be removed from service except on the specified grounds and subject to the prescribed procedure.” (Federal Judicial Academy, May 2015, p. 9)

The US Department of State (USDOS) notes in its April 2016 country report on human rights practices that “the court system and judiciary do not have jurisdiction in FATA” (USDOS, 13 April 2016, section 1d). It also explains that “[t]he jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated under separate judicial systems”, adding that “[f]or example, Azad Jammu and Kashmir (AJK) has its own elected president, prime

minister, legislature, and court system. Gilgit-Baltistan also has a separate judicial system.” (USDOS, 13 April 2016, section 1e)

The procedure for the appointment of judges for the Supreme Court, Federal Shariat Court and High Courts is described in Article 175A of the Constitution of Pakistan (1973, amended as of 7 January 2015, Article 175A). This procedure has been subject to change due to amendments of the Constitution in 2011. The above cited May 2015 report on the Judicial System of Pakistan summarises the procedure in the following terms:

“Following the adoption of Constitutional (18th & 19th) Amendments Acts 2011, new process/procedure was prescribed for appointment of judges to the superior judiciary. The 18th Amendment was aimed at strengthening the parliamentary system and transferring additional subjects to the provinces. The Parliament also prescribed a new fora and procedure for the appointment of judges. Cases of appointment in superior courts i.e. Supreme Court, Federal Shariat Court, High Courts are to be processed through two forums i.e. Judicial Commission of Pakistan and Parliamentary Committee. The Judicial Commission is headed by the Chief Justice of Pakistan and comprises senior judges of Supreme Court, Chief Justice and senior puisne judges of High Court, Attorney General for Pakistan, Federal and Provincial Law Ministers, representatives of the Federal and Provincial Bar Councils, etc. The Commission nominates names for each vacancy and forwards it to the Parliamentary Committee for confirmation.” (Federal Judicial Academy, May 2015, pp. 7-8)

### *The Supreme Court*

The same report of the Judicial System of Pakistan describes the constitution, aims and duties of the Supreme Court of Pakistan:

“The Supreme Court is the apex Court of the land, exercising original, appellate and advisory jurisdiction. It is the Court of ultimate appeal and final arbiter of law and the Constitution. Its decisions are binding on all other courts. The Court consists of a Chief Justice and other judges, appointed by the President as per procedure laid down in the Constitution. An Act of Parliament has fixed the number of Judges at 17 i.e. Chief Justice and 16 judges. There is also a provision for appointment of acting judges as well as ad hoc judges in the court. A person with 5 years experience as a Judge of a High Court or 15 years standing as an advocate of a High Court, is eligible to be appointed as judge of the Supreme Court. The Court exercises original jurisdiction in settling inter-governmental disputes, be that dispute between the Federal Government and a provincial government or among provincial governments. The Court also exercises original jurisdiction concurrently with High Courts for the enforcement of Fundamental Rights, where a question of ‘public importance’ is involved. The Court has appellate jurisdiction in civil and criminal matters. Furthermore, the Court has advisory jurisdiction in giving opinion to the Government on a question of law. [...] Besides entertaining civil and criminal appeals from the High Courts, the [Supreme] Court also hears appeals from the

judgments against the Federal Shariat Court, Federal/provincial service tribunals and some special courts.” (Federal Judicial Academy, May 2015, pp. 9-10)

The German non-profit think tank Bertelsmann Stiftung published a report about Pakistan as part of the Bertelsmann Stiftung’s Transformation Index (BTI) 2016, covering the period from 1 February 2013 to 31 January 2015. It gives the following critical assessment on the Supreme Court’s work in recent years:

“Since 2008, the Supreme Court [...] has become more vocal with various suo moto initiatives that have challenged the government and the armed forces. The Supreme Court has intervened time and again into matters which were the exclusive preserve of the executive, such as fixing the prices of different commodities and forcing government to appoint heads of different institutions. In 2013 [...] Pakistan’s Supreme Court encroached upon the powers of the executive and legislative branch of the government. Nevertheless, the armed forces are still beyond the authority of the government or the parliament. In 2013, when Iftikhar Chaudhary was Chief Justice of the Supreme Court, the country saw massive overreach by the judiciary. Several suo moto actions were taken by the Chief Justice. Corruption, delay in justice and inefficiency are the hallmarks of the judiciary in Pakistan. In his last year in office in 2013, Chief Justice Iftikhar Chaudhry took excessive suo moto actions, burdening the judiciary with excessive work and increasing its inefficiency.” (Bertelsmann Stiftung, 2016, pp. 8-9)

### *The High Court*

According to the Federal Judicial Academy “[t]here is a High Court in each province and yet another High Court for the Islamabad Capital Territory” (Federal Judicial Academy, May 2015, p. 11). The Constitution regulates that “[a] High Court shall consist of a Chief Justice and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 129). The Federal Judicial Academy describes the constitution and the function of the High Courts as follows:

“Each High Court consists of a Chief Justice and other puisne judges [junior judges]. The strength of Lahore High Court is fixed at 60, High Court of Sindh at 40, Peshawar High Court at 20, High Court of Balochistan at 11 and Islamabad High Court at 7. Qualifications mentioned for the post of a judge are, 10 years experience as an advocate of a High Court or 10 years service as a civil servant, including 3 years 40 experience as a District Judge or 10 years experience in a judicial office [...] The [High] Court exercises original jurisdiction in the enforcement of Fundamental Rights and appellate jurisdiction in respect of judgments/orders of the Subordinate Courts in all civil and criminal matters. Appeals are also entertained against orders/judgments of Special Courts.” (Federal Judicial Academy, May 2015, pp. 11-12)

## *Shari'a Court*

According to the Constitution, the Shari'a Court „may [...] examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam, as laid down in the Holy Quran and Sunnah of the Holy Prophet [...]” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 203D) The Federal Judicial Academy provides the following overview of the Shari'a Court:

“The Court consists of 8 Muslim judges including the Chief Justice. [...] Of the 8 judges, 3 are required to be Ulema (Islamic scholars), who are well versed in Islamic law. The judges hold office for a period of 3 years and the President may further extend such period.

The Court may, on its own motion or through petition by a citizen or a government (Federal or provincial), may examine and determine as to whether or not, a certain provision of law is repugnant to the injunctions of Islam. Appeal against its decision lies to the Shariat Appellate Bench of the Supreme Court, consisting of 3 Muslim judges of the Supreme Court and not more than 2 Ulema (Islamic scholars), appointed by the President. If a certain provision of law is declared to be repugnant to the injunctions of Islam, the Government is required to take necessary steps to amend the law, so as to bring it in conformity with the injunctions of Islam. The Court also exercises appellate and revisional jurisdiction over the criminal courts, deciding Hudood cases.

The decisions of the Court are binding on the High Courts as well as Subordinate Judiciary. The Court appoints its own staff and frames its own rules of procedure.” (Federal Judicial Academy, May 2015, pp. 13-14)

The US Department of State also describes the Shari'a court in its human rights report covering the year 2015, further elaborating on the so-called Hudood cases:

“The Federal Shariat Court (FSC) typically reviewed cases under the Hudood Ordinance--a law enacted in 1979 by military leader Muhammad Zia-ul-Haq to implement a strict interpretation of Islamic law by enforcing punishments for extramarital sex, false accusations of extramarital sex, theft, and drinking alcohol. The Supreme Court subsequently ruled that in cases in which a provincial high court decided in error to hear an appeal in a Hudood case, the shariat courts lacked authority to review the provincial high court's decision. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation judged inconsistent with Islamic tenets, but such cases may be appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.” (USDOS, 13 April 2016, section 1e)

### *Subordinate and Special Courts and Tribunals*

According to the Pakistan Federal Judicial Academy “[s]ubordinate Judiciary may be broadly divided into two classes; civil courts, established under the Civil Courts Ordinance 1962, and criminal courts, created under the Code of Criminal Procedure 1898” (Federal Judicial Academy, May 2015, p. 15). Furthermore, “[t]he Constitution authorizes the Federal Legislature to establish special courts as well as administrative courts and tribunals for dealing with federal subjects. Consequently, several special courts/tribunals have been created which operate under the administrative control of the Federal Government” (Federal Judicial Academy, May 2015, p. 15). Such courts and tribunals include for example Drug Courts, Anti-Terrorism Courts and Accountability Courts (Federal Judicial Academy, May 2015, p. 15). For information on military courts, please see [section 4.2.2](#) of this compilation.

### *Jirgas and tribal systems*

Additionally, the USDOS reports in its human rights report covering the year 2015 that “[i]nformal justice systems lacking institutionalized legal protections continued, especially in rural areas, and often resulted in human rights abuses” (USDOS, 13 April 2016, section 1e). It writes the following on the local systems often referred to as panchayats or jirgas:

“Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, at times held local council meetings (known as panchayats or jirgas), in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties, including fines, imprisonment, and sometimes the death penalty. These councils often sentenced women to violent punishment or death for so-called honor-related crimes. In Pashtun areas, primarily in FATA, such councils were held under FCR [Frontier Crime Regulations] guidelines. Assistant political agents, supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to their interpretation of Islamic law and tribal custom. The Pashtunwali code of conduct obligates a man, his family, and his tribe to take revenge for wrongs, real or perceived, to redeem their honor.” (USDOS, 13 April 2016, section 1e)

Regarding the Sindh province, the Sindh High Court made jirgas illegal and banned such informal justice system in 2005 (Government of Pakistan, 4 May 2015). In the sources consulted by ACCORD, no information could be found with regard to other provinces.

## **1.5 Brief overview of socio-economic situation**

The 2015 Human Development Report of the United Nations Development Programme (UNDP) covering the year 2014 categorizes Pakistan under “Low Human Development”. Pakistan’s Human Development Index (HDI), which measures the average achievement in key dimensions of human development such as health, education, income and inequality, is ranked 147 out of 188 countries worldwide and Pakistan is listed among the five countries „with the most people in multidimensional poverty“ (UNDP, 2015, p. 61). According to data from the year 2012/2013, Pakistan’s Multidimensional Poverty Index (MPI), which “captures the multiple deprivations that people face in their education, health and living standards” (UNDP, 2015, p. 205), indicates

that 45.6 per cent of the population live in multidimensional poverty. Additionally, 14.9 per cent of people living in Pakistan are near multidimensional poverty (UNDP, 2015, p. 229). The UNDP report further states that the average life expectancy at birth in Pakistan is 66.2 years in 2014 (UNDP, 2015, p. 210) and the under-five mortality rate per 1,000 live birth accounts to 85.5 in 2013 (UNDP, 2015, p. 240). The employment to population ratio, representing the proportion of a country's population aged 15 and older that is employed, amounts to 51.6 per cent in 2013 (UNDP, 2015, p. 256).

The German non-profit think tank Bertelsmann Stiftung summarises Pakistan's ability for socio-economic development in the following terms:

“Pakistan has important strategic endowments and potential for economic development. It has large and diverse resources, a young population, and untapped potential for trade. However, it faces significant economic, security and governance challenges in realizing socioeconomic development. The ongoing war on terror in North Waziristan and security issues throughout the country are a reality that impedes Pakistan's socioeconomic development. The net enrollment rates in education are the lowest in South Asia. Gender disparities persist in the economic, health, and education sectors. The 2013 floods washed away standing crops on millions of acres and destroyed infrastructure.” (Bertelsmann Stiftung, 2016, p. 12)

The German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP), a think tank for international politics and foreign and security policy, points out that the continuing population growth aggravates the country's socio-economic problems as neither the education nor the health facilities have the capacities to cater for the ever-growing number of children and young people. The costs for education and health represent an increasing burden for families. Quite a few parts of the country are prone to water and electricity shortages and it's likely that the continuously growing population will also further threaten the stability of the security situation (SWP, February 2015, p. 5). Transparency International Pakistan (TI Pakistan), the national center of Transparency International, a non-governmental organisation against corruption, summarises data from a number of surveys and indicators in its 2014 country report in order to provide an overall impression of employment opportunities and economic inequality in Pakistan:

“Pakistan has the 10th largest labour force of 59.21 million, annual growth rate of population for 2010-2015 is 1.8% per annum, median age 21.7, but the employment prospects for the young in Pakistan are bleak. A report by the British Council, based on interviews with 1,500 young respondents between 18 to 29 years of age, from across Pakistan, identified lack of basic services and depressing socio-economic prospects for the young population and warned Pakistan to create millions of jobs and ensure access to education, to avoid probable political and social commotions. Pakistan's current social unemployment rate is about 6%, which does not portray the true picture, as almost 80% of the workforce is engaged in the informal sector. Also, all persons aged above 10 who work at least one hour per week are included in the employed persons' definition, regardless of whether they are paid employees or self-employed. Moreover, 27.1% of the employed force has

been shown as ‘contributing family workers’, who are neither paid in cash nor in kind, which brings the unemployment rate close to 15%. [...] 60.3% population is living on less than \$2 a day. Based on figures given by the State Bank of Pakistan, 0.02% of Pakistan’s total population hold almost 40% of Pakistan’s total wealth in bank accounts.” (TI Pakistan, 25 April 2014, p. 20)

In its June 2016 country brief for Pakistan, the World Food Programme (WFP) states that “Pakistan ranks 77th (out of 109 countries) on the Global Food Security Index. According to Vision 2025, 60 per cent of the country’s population is facing food insecurity, and 44 per cent of children under five years of age are chronically malnourished.” (WFP, June 2016, p. 1)

The United States Agency for International Development (USAID), a US government agency for development cooperation, refers to different international organisations describing food insecurity in Pakistan in 2015:

“The UN estimated in late October that approximately 58 percent of households in Pakistan were food-insecure. Khyber and Kurram, where the most recent returnees have settled, suffer the worst food insecurity, according to an August report by the International Rescue Committee (IRC), the UN Food and Agriculture Organization (FAO), and the UN World Food Program (WFP). The report also found that conflict, insufficient levels of food production, and a weak economy have caused FATA to have the highest proportion of food energy deficient households in the country.” (USAID, 18 December 2015, p. 3)

Energy shortages have reportedly also hindered Pakistan’s socio-economic development, with The World Bank Group stating in October 2015 that “Pakistan’s energy sector is in serious crisis, with constraints in supplies of gas and electricity. Energy shortages undercut economic growth and exacerbate poverty while heavy government subsidies have a high fiscal cost” (The World Bank Group, October 2015). In June 2016, the Reuters news agency reports that “Pakistan’s economy has been hobbled by energy shortages over the past decade” but that “Sharif’s government has made reducing energy shortages a top priority, embarking on construction of new dams, coal-fire power plants and renewable energy projects” (Reuters, 20 June 2016).

## **1.6 Brief overview of humanitarian situation**

The United States Agency for International Development (USAID) reports that “Pakistan frequently experiences natural disasters, including drought and floods. Recurring disasters, combined with chronic poverty, limit the ability of vulnerable households to recover and result in additional displacement and humanitarian needs” (USAID, 30 June 2016, p. 4). The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) notes that “[t]he capacity of Government authorities, security forces and national civil society organizations to respond to humanitarian disasters has improved significantly in recent years” (UN OCHA, 31 January 2016, p. 1).

According to a May 2016 report of the Internal Displacement Monitoring Centre (IDMC), a Geneva based international NGO supporting internally displaced persons and the Norwegian Refugee Council (NRC), a non-governmental organization providing assistance to refugees and

internally displaced persons worldwide, the displacement of people in Pakistan was marked by two natural disasters:

“In Pakistan, two disasters accounted for almost all of the displacement that took place during the year [2015]. A 7.5 magnitude earthquake struck the Hindu Kush mountains in October. Its epicentre was in a remote area of northern Afghanistan, but north-west Pakistan suffered the worst of its impacts. Nearly 666,000 people were displaced in Khyber Pakhtunkhwa (KP) province and Bajaur in the Federally Administered Tribal Areas. Snow and rainfall over mountainous terrain left many of those affected isolated and acutely vulnerable. In August, flooding in northern and central KP, Punjab, Gilgit Baltistan, Chitral and Kashmir displaced 330,000 people.” (IDMC/NRC, May 2016, p. 15)

USAID also reports about the earthquake in October 2015, describing the resulting humanitarian difficulties in the regions that were affected:

“On October 26, a magnitude 7.5 earthquake struck northern Afghanistan’s Hindu Kush Region, causing tremors felt in Afghanistan, India, and Pakistan. The earthquake resulted in 280 deaths, injured at least 1,700 people, and damaged approximately 107,000 houses in Pakistan, according to Pakistan’s National Disaster Management Authority (NDMA). Most severely affected areas include Pakistan’s Federally Administered Tribal Areas (FATA) and Chitral, Lower Dir, Shangla, Swat, and Upper Dir districts in Khyber Pakhtunkhwa (KPk) Province. [...]

Heavy rain showers and scattered snowfall in FATA and KPk during late October exacerbated the humanitarian needs of some earthquake-affected populations and hindered immediate relief operations, particularly the delivery of emergency supplies by helicopter. According to a USAID/OFDA partner, an increased reliance on road transportation delayed the delivery of humanitarian relief items to affected populations in difficult-to-access areas during the week of October 26. [...]

The onset of colder weather in the region poses a risk to families displaced by the earthquake who are residing in tents and makeshift shelters that do not provide adequate protection from heavy rain and snow. [...]

Recent assessments by humanitarian relief agencies found that many households in Chitral’s Laspur Valley lost food reserves stockpiled for the winter during the October 26 earthquake, with some families reporting loss of up to four months’ worth of lentils and wheat, according to the UN. In addition, households reported losing livestock due to building collapses, as pastoralists tend to keep livestock indoors during winter months to protect them from the cold. [...]

Health workers have expressed concern that severe winter weather, insufficient shelter and protection from the cold, and limited availability of medicines in earthquake-affected districts could cause an increase in the prevalence of pneumonia, throat and chest infections, and other common winter diseases, according to the UN. While humanitarian organizations are attempting to distribute

winter-related relief items to vulnerable populations, heavy rain and snowfall in high-altitude areas are impeding helicopter-led relief operations.” (USAID, 18 December 2015, pp. 1-4)

USAID also reports on drought conditions in Sindh Province’s Tharparkar District. Referencing conflicting information gained by media reports and humanitarian organisations however, it remains unclear if droughts are responsible for higher infant and child mortality rates in the area:

“Since 2013, Tharparkar has experienced drought conditions that have resulted in reduced crop yields and livestock deaths, according to an assessment conducted by the Food Security Cluster—the coordinating body for humanitarian food security activities, comprising UN agencies, non-governmental organizations (NGOs), and other stakeholders. The survey also indicated that the drought has adversely affected food security among 90 percent of respondents and that farmers in Sindh remain in need of basic agricultural inputs, such as seeds and fertilizers. Although the drought was less severe in 2015, the accumulated impact of drought over a three-year period will likely leave households in need of support throughout the upcoming July/August rainy season. Local media have reported that drought conditions in Tharparkar recently resulted in the deaths of children. Although Tharparkar experiences higher infant and child mortality rates compared to nationwide averages in Pakistan, relief organizations have indicated that Tharparkar’s current rates are not higher than non-drought years and humanitarian organizations do not attribute recent infant and childhood deaths directly to the ongoing drought. Primary factors contributing to Tharparkar’s higher infant and child mortality rates include limited availability and access to health facilities, poor water quality, and poverty-related malnutrition. Health actors in Tharkarpar report that the district faces a shortage of medical personnel and that more than 215 district medical dispensaries were non-functional as of January 31.” (USAID, 25 March 2016, p. 2)

UN OCHA reports that “[t]he lives of half a million acutely malnourished children and women, which have been affected by displacement or drought, will be at risk if there is a failure to respond”. It estimates that 31.5 per cent (9.97 million) of children under five years old are underweight and 43.7 per cent are stunted” (UN OCHA, 31 January 2016, p. 5).

## **1.7 Brief overview of security situation**

### **1.7.1 Sectarian violence**

The Bertelsmann Stiftung reports that “[s]ectarian warfare has claimed the lives of thousands of people in Pakistan,” outlining that most victims are part of religious minorities such as Shi’ites, Christians and Ahmadis (Bertelsmann Stiftung, 2016, p. 23).

The Pak Institute for Peace Studies (PIPS), an independent, nongovernmental research and advocacy think tank comprised of Pakistani scholars, researchers and journalists, gives the following summary of incidents of sectarian violence for the years 2013 to 2015:

“A visible downward turn in the incidents of sectarian violence that started in 2013 and continued in 2014, sustained in the year 2015. Representing a significant decrease of 59 percent from the year before, a total 58 incidents of sectarian violence were recorded across Pakistan in 2015; all these incidents were sectarian-related terrorist attacks, as no sectarian clash was reported during the year. However, the number of people killed in incidents of sectarian violence in 2015 increased by about 7 percent, from 255 in 2014 to 272 in 2015, mainly due to some lethal sectarian-related blasts in interior Sindh and Karachi. Meanwhile, at least 283 people were also injured in these incidents of sectarian violence in 2015, compared to 332 in previous year. Also, compared to 29 districts in 2013, and 31 in 2014, incidents of sectarian violence were reported from 15 districts from across Pakistan in 2015. That implies that the flashpoints of sectarian violence were more specific during the year under review. About 98 percent of the total number of people killed in sectarian-related terrorist attacks across Pakistan in 2015 were concentrated in eight districts/regions, which include Sindh’s Jacobabad, Shikarpur and Karachi districts; Balochistan’s Quetta and Bolan districts; the twin cities of Islamabad and Rawalpindi; Khyber Pakhtunkhwa’s provincial capital Peshawar; and Parachinar in Kurram Agency of the Federally-Administered Tribal Areas. Also, out of the total 58 reported sectarian-related attacks across Pakistan, as many as 52 (91 percent of the total) occurred in these eight locations. Almost all of the people injured in sectarian attacks in Pakistan in 2015 were also concentrated in these cities.” (PIPS, 5 January 2016, pp. 27 -28)

The US Department of State (USDOS) reports on the following major incidents of sectarian violence in its human rights report covering the year 2015:

“On February 13, TTP militants attacked a Shi’a mosque in Peshawar’s Hayatabad district, killing 20 worshipers. In January a suicide bomber killed 62 Shi’a Muslims at a religious center in Shikarpur, Sindh. Additionally, continuing attacks against Hazara Shi’as, often perpetrated by violent extremist groups, claimed at least 146 lives. On October 23, a suicide bomber attacked a Shi’a Muharram procession in Jacobabad in upper Sindh, killing 27. LeJ claimed responsibility for the attack. On October 22, LeJ bombed a mosque and killed 11 Shi’a Muslims in rural Kacchi district of Balochistan.” (USDOS, 13 April 2016, section 1g)

The international human rights organization Human Rights Watch (HRW) also reports about a bomb blast at a Shia mosque in the city of Shikarpur in Sindh province in January 2015 as well as on the attack on a Shia mosque in Peshawar in February 2015, although it provides a slightly lower death toll. HRW further lists the following incidents of sectarian violence in its yearly report covering the year 2015:

“In January , at least 53 people were killed in a bomb blast at a Shia mosque in the city of Shikarpur in Sindh province. Jundullah, a splinter group of the Taliban that has pledged support for the armed extremist group Islamic State (also known as ISIS), claimed responsibility for the attack. In February, 19 people were killed after Taliban militants stormed a Shia mosque in Peshawar. In March, suicide bombers

belonging to Tehrik-i-Taliban targeted two churches in the Christian neighborhood of Youhana Abad in Lahore, killing 14. In May, an attack by Jundullah on members of the Ismaili Shia community in Karachi killed 43 people. The attacks highlighted the threat armed extremist groups to pose to religious minorities, and the government's failure to apprehend or prosecute." (HRW, 27 January 2016)

The above-cited report from the Pak Institute for Peace Studies (PIPS) also writes about sectarian mob violence, describing two major incidents which happened in 2015:

"Faith-based mob violence and terrorist attacks against members of religious minorities have been a recurring trend in Pakistan over the last several years. The number and frequency of such incidents may have varied from one year to another, but the sad fact remains that the authorities have been unable to root out violence directed against non-Muslims because they were non-Muslims. In 2015, two such incidents particularly stood out. On March 15, at least 15 people were killed and over 70 injured in Taliban suicide bombing of two churches during Sunday mass in a Lahore neighbourhood. These were the second deadly attacks on churches after two suicide attacks on Al-Saints Church in Peshawar in September 2013, which killed nearly 100 people. Another significant faith-based incident of violence in 2015 were riots in Punjab's Jhelum district and enraged mobs setting fire to an Ahmadi place of worship after torching a chipboard making factory. The factory, owned by an Ahmadi, was attacked following rumours that a worker had desecrated pages of the Holy Quran there. The place of worship was under police security when the mob broke through the security cordon established after the arson attack at the factory the previous night. A contingent of the army had to be called in to control the situation." (PIPS, 5 January 2016, p. 35)

The Center for Research and Security Studies (CRSS), an Islamabad-based non-profit think tank which conducts research and advocacy on democratic governance in Pakistan, provides an overview of incidents of sectarian violence during the first quarter of 2016 (January to March):

"During this quarter, two suicide attacks were reported to have been driven by religious hatred; one in Gulshan-e-Iqbal Park in Lahore and the other at a Tehsil Court in Charsadda. The attack in Lahore was carried out on Easter. The Charsadda attack was claimed to have been carried out by a splinter group of Tehreek-e-Taliban Pakistan, Jamaatul Ahrar, as revenge for hanging Mumtaz Qadri. [...] Although these suicide attacks were religiously motivated, their victims were not from any particular religion or a religious sect. Only 14 of 72 victims of Lahore attack were identified as Christians, the remaining victims were unknown, presumably Muslim. As sectarian violence normally targets a particular religious community, the attack in Lahore is the only one that falls under the definition of sectarian violence. By this measure, most religious communities in the country remained relatively safe from violence during Q1, 2016, when compared to Q1, 2015. Even the number of fatalities from sectarian violence in all provinces, except Punjab, witnessed a steep drop during this quarter. [...] Three incidents that caused damages to holy places, a crime that falls under blasphemy act PPC [Pakistan Penal

Code] 295, were reported from different parts of the country during this quarter of the year. Only one splinter group of the Tehreek-e-Taliban Pakistan, Jamaatul Ahrar (TTP-JA), was the claimant of a sectarian attack during this quarter. The other two groups, Jundullah and Lashkar-e-Jhangvi, that were found active last year, refrained from making claims for any sectarian violence during this quarter.” (CRSS, March 2016, pp. 32-33)

A query conducted on the digital database of the Pak Institute for Peace Studies (PIPS) for attacks between 1 January and 1 August 2016 yields 13 listed incidents labeled as “terrorist attacks [sectarian related]”, which killed 19 and injured 16 people (PIPS, query 11 August 2016a). The PIPS defines “sectarian violence” as “violence rooted in differences among various Islamic schools of thought over interpretation of religious commands” (PIPS, 5 January 2016, p. 4), thus the bombing on 27 March 2016 (Easter Sunday) in the city of Lahore that killed more than 70 people and injured some 300 others (RFE/RL, 28 March 2016) is not included in this list. A query conducted for targets of terrorist for the same time period, yields one incident labeled as targeting the Christian Community that killed 74 people and injured 231. Further targets listed are “Shia religious scholars/community” (Number of attacks 8; Killed 12; Injured 2), Worship places/shrines/imambargahs (number of attacks: 1; killed: 0; injured: 14) and “Sunni religious leaders/community” (number of attacks: 4; killed: 7; injured: 0) (PIPS, query 11 August 2016b).

Christian Solidarity Worldwide (CSW), a Christian organisation advocating religious freedom and human rights, gives the following description of the Lahore bombing on Easter Sunday in March 2016:

“Jamatuul Ahrar, a faction of Tehreek-i-Taliban Pakistan, has claimed responsibility for the devastating attack that took place in the Gulshan-e-Iqbal Park in Lahore on 27 March where families from Lahore’s Christian community were celebrating the Easter holiday. One bomb was detonated near the entrance to the park close to the children’s swing area, killing many women and children.” (CSW, 29 March 2016)

BBC News gives the following account on the wider context which lead up to the bombing on Easter Sunday in March 2016:

“The bombing of the amusement park on Easter Sunday was the bloodiest attack on Christians in Pakistan since the 2013 Peshawar church bombing that killed more than 80 people. But many believe there may be a wider context to the latest attack - 27 March was the deadline set by an alliance of more than 30 religious groups for the provincial government of Punjab to withdraw a new women's rights law they oppose. And supporters of Mumtaz Qadri, a police guard executed last month for the 2011 killing of a provincial governor who advocated reform of the blasphemy laws, have also launched protests. They brought forward the customary 40th day mourning for Qadri by 13 days to coincide with 27 March and several thousand have now occupied a high-security zone in Islamabad to press demands which include the implementation of Sharia law.” (BBC News, 28 March 2016)

The above-cited report of the Center for Research & Security Studies (CRSS), which analyses sectarian violence in the first quarter of 2016, also mentions the hostility following the execution of Mumtaz Qadri for the killing of a provincial governor who advocated reform of the blasphemy laws:

“The implementation of the National Action Plan (NAP) resulted in creating a fierce reaction by the religious parties when the convicted murderer, Mumtaz Qadri, was executed in Adiala Jail on March 1, 2016. This led to a tense standoff which did not result in fatalities, but established the power of the vocal religious right minority and their propensity for violence.” (CRSS, March 2016, p. 34)

The Pak Institute for Peace Studies (PIPS) writes that “the discourse of hatred in the country has become increasingly sectarian” which contributes to “turning sectarian violence a structural problem”. According to PIPS, “[t]he government realizes the looming sectarian threat. Prime Minister Nawaz Sharif himself directed for concrete action against the sectarian outfits across the country.” However, “the government’s approach in dealing with sectarian terrorists has been oriented around counter-terrorism, without addressing the causes promoting sectarian minds.” (PIPS, 5 January 2016, p. 51)

The US Commission on International Religious Freedom (USCIRF) writes in its annual report 2016 (reporting period 2015) that “[r]eligious minority communities, including Shi’a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society” and that “[t]he government’s failure to provide adequate protection for likely targets of such violence or prosecute perpetrators has created a deep-rooted climate of impunity” (USCIRF, April 2016, p. 113). In its 2016 report, Human Rights Watch (HRW) writes that “[t]he government failed to take adequate steps to prevent and respond to deadly attacks on Shia and other religious minorities in 2015” (HRW, 27 January 2016). The Middle East Institute (MEI), a Washington-based think tank dedicated to the study of the Middle East, summarises the situation in Pakistan in the following analysis:

“The possibility for future peaceful sectarian relations in Pakistan appears dismal. Violent sectarian groups are expanding their geographical influence in the country and have largely been able to carry out large-scale attacks with insufficient state reprisals. As their power and influence increases at the local level, they become attractive partners for political parties seeking electoral success. Religious seminaries with a sectarian bent are able to propagate anti-Shi’i (and other) sentiment, perhaps causing an increase in intolerance in the country (although we should be cautious to point to any causal links without conclusive study and data).” (MEI, 27 May 2015)

### *1.7.2 Internal armed conflict*

A query conducted on the digital database of the Pak Institute for Peace Studies (PIPS) for attacks between 1 January and 1 August 2016 yields total of 468 attacks which killed 1159 people and injured 959 (PIPS, query 11 August 2016a). A query conducted for casualties of attacks for the same time period yields that the Pakistan Frontier Corps had 33 killed and 54

injured, the police 113 killed and 120 injured, the Army 20 killed and 35 injured, the Levies 11 killed and 5 injured, and the Rangers 1 killed and 8 injured. 633 militants are listed as killed and 48 as injured, and 348 civilians are listed as killed and 689 as injured (PIPS, query 11 August 2016c).

For a description of the Pakistan security forces, see [section 4.1](#) of this compilation. See [section 3](#) of this compilation for an overview of non-state armed actors and militant groups.

The PIPS Pakistan Security Report 2015, which was published in January 2016, gives the following overview of people killed in violent incidents in the years 2014 and 2015:

“The number of people killed in overall incidents of violence in Pakistan decreased by about 34 percent, from 5,306 in 2014 to 3,503 in 2015. This decrease was marked by the deaths of 2,340 militants in 2015, compared to 2,991 in 2014, representing a decrease of 22 percent. [...] Fatalities among security forces personnel in 2015 (385) were also 37 percent less from the previous year’s fatalities among them (610).” (PIPS, 5 January 2016, p. 10)

The same report also outlines the targets of terrorist attacks reporting that “[a]s many as 266 of the total reported terrorist attacks (over 42 per cent) exclusively targeted personnel, convoys and check-posts of the security forces and law-enforcement agencies across Pakistan” (PIPS, 5 January 2016, p. 7). It gives the following overview of targets during the reporting period of 2015:

“A combined 65 terrorist attacks (10 percent) targeted state installations including gas pipelines, power pylons, and railways trains/tracks, and government officials. Others targets hit by terrorists more than once included health/polio workers (15 attacks), educational institutions (14 attacks), media/journalists (11 attacks), non-Baloch settlers/workers (6 attacks), and Christian community (3 attacks). Apart from launching 18 suicide attacks – six of which were sectarian-related – terrorists employed improvised explosive devices (IEDs) of different types in 256 attacks – about 41 percent of the total terrorist attacks. A considerable number of reported terrorist attacks in 2015 – 288, or 46 percent – were incidents of targeted killing or shooting. Other attack tactics used by terrorists in 2015 included grenade blasts (27), rocket attacks (24), sabotage (9), and mortar fire (3).” (PIPS, 5 January 2016, p. 7)

An attack described as the “Taliban’s deadliest attack in Pakistan” occurred on 16 December 2014 when militants from the Pakistani Taliban attacked an army-run school in Peshawar, reportedly killing 141 people, 132 of them children (BBC News, 16 December 2014).

Considering the geographical spread of conflict, the German think tank Bertelsmann Stiftung notes the following for the reporting period of 1 February 2013 to 31 January 2015:

“Pakistan’s state monopoly on the use of force is contested by terrorist organizations, armed sectarian outfits, nationalist insurgents, armed drug traffickers and extortionists. Such organizations and outfits normally operate from

the Federally Administrated Tribal Areas (FATA), which include South and North Waziristan. However, they also have recruitment and training centers in major cities such as Lahore, Karachi, Quetta and Peshawar. [...] [T]he writ of the state is constantly challenged not only in the tribal areas but also in Pakistan proper by, for instance, Tehrik-i-Taliban Pakistan (TTP).” (Bertelsmann Stiftung, 2016, p. 5)

The Armed Conflict Location & Event Data Project (ACLED), a public collection of political violence and protest data, published the following overview of internal armed conflict in Pakistan analyzing ACLED Asia’s 2015 dataset:

“FATA is Pakistan’s most violent space; 82 battles, air-strikes, and drone attacks occurred in January 2015 alone, marking the beginning of the year as Pakistan’s most violent month as well as the most fatal, with 440 reported deaths. The most active agents in FATA included the Pakistani Armed Forces, Unidentified Armed Groups (UAGs), and Tehreek-e-Taliban (TTP). The Pakistani Armed Forces were involved in 75% of all violent activity that occurred in 2015, with a majority in FATA. TTP presence in FATA, however, has long defined the conflict space, with the U.S. and Pakistani militaries recently targeting rebel groups and militias operating the region to clamp down on terrorist threats. Other notable groups in FATA include Lashkar-e-Islam and the Hafiz Gul Bahadur Group. Combined with TTP and the Pakistani military, these groups accounted for 1,660 fatalities in 2015 or approximately 50% of fatalities related to political violence in 2015. Highly organized and effective, these four fatal organizations contribute significantly to FATA’s unstable political climate.

In Balochistan, the Pakistani military was present for more than half of the violent interactions. State forces engaged largely with UAGs or Baloch separatists, a nebulous formation of actors opposed to external involvement in Baloch affairs, fighting for an independent Balochistan. Attacks including Baloch separatists tended to involve large-scale operations, while UAGs tended to appear in smaller, individual, and less organized attacks. The consistent frequency of violence by unidentified actors in Balochistan, however, suggests a systemic lack of security in the region. The Baloch separatist movement has simmered in Pakistan for decades, but has drawn international attention this year, since the April 2015 agreement between Prime Minister Nawaz Sharif and Chinese President Xi Jinping for a \$46 billion infrastructure aid package. The package’s centerpiece is a China-Pakistan Economic Corridor, which cuts through Balochistan province. When Sharif visited the United States in October 2015, Baloch activists publicly protested the Prime Minister’s public speech.” (ACLED, February 2016, p. 6)

The PIPS also states that in terms of terrorism-related casualties, the Federally- Administered Tribal Areas (FATA) was the most affected region of Pakistan during 2015, stating that 268 people died and 370 others were injured in 149 reported terrorist attacks. However, PIPS also underlines that in 2014 and 2015 “the highest number of terrorist attacks for any one region of Pakistan in 2015 was reported from Balochistan, where 218 attacks killed 257 people and wounded 329 others; among 268 killed in terrorist attacks in FATA were also 70 militants who

died in security forces' retaliatory fire following some attacks and ambushes" (PIPS, 5 January 2016, p. 7). It also provides the following numbers regarding regional spread of violence:

"A significant number of people (251) were also killed in Sindh – including 150 in Karachi alone and 101 in interior of Sindh – in a total of 102 terrorist attacks reported from there in 2015. As many as 125 attacks took place in Khyber Pakhtunkhwa (KP) that claimed 206 lives and left another 268 people injured. Meanwhile, 24 terrorist attacks were recorded in Punjab, three (3) in the federal capital Islamabad, and four (4) in Gilgit- Baltistan." (PIPS, 5 January 2016, pp. 7-8)

The above-referenced Armed Conflict Location & Event Data Project (ACLED) also analyses the involvement of state forces in armed conflict, stating "[g]overnment involvement against non-state actors was highest in FATA and Balochistan" (ACLED, February 2016, p. 2). It provides the following account:

"[S]tate forces are involved in 75% of all battles and remote violence in 2015. Violent engagements between political militias and rebel groups (absent of any government intervention) were also highest in FATA and Balochistan, underscoring that these areas pose the greatest challenge to the Pakistani government despite the state's increased efforts to quell violence." (ACLED, February 2016, p. 2)

An analysis of the conflict in Balochistan by the former Swedish Ambassador to Afghanistan and Pakistan, Ann Wilkens, was published by the independent non-profit policy research organization Afghan Analyst Network (AAN). The introduction to the analysis notes that the situation in Balochistan "tends to be 'crowded out' by other dramatic events" and that the "lack of media access to areas under military control is another cause for whatever goes on in Balochistan to remain in the background" (Wilkens, 16 November 2015). The nature of the conflict in Balochistan is described as "regional":

"During the course of the Pakistani Baloch insurgency, the militants among them have become increasingly secessionist and are now commonly referring to Pakistan as an occupying state, rather than a problematic homeland. In Pakistan, after the breakup of the original nation and the forming of Bangladesh in 1971, secessionist talk has been a trigger of existential anguish, and that may be one reason why intransigence rather than dialogue has been characteristic of the Pakistani state's response to Baloch insurgencies. Moreover, although rooted in a more or less secular orientation, many militants are becoming increasingly radicalised in religious terms, in tune with a growing global movement of religious extremists transcending national borders.

With the concept of 'Greater Balochistan' overshadowing the borders of three countries, the Baloch national issue provides a reflection of the Kurdish conflict in the Middle East, as well as other areas around the world where ethnic, linguistic and cultural identity do not square with geographical boundaries. From the point of view of the Baloch tribespeople, many of them still nomads, their territory stretches across the boundaries between Pakistan, Iran and Afghanistan, a vast

area where they believe they have ancestral rights to move around.” (Wilkins, 16 November 2015)

In the Federally Administered Tribal Areas (FATA), the Pakistani government launched a large-scale military offensive in North Waziristan on 15 June 2014 named “Operation Zarb-e-Azb” (SWP, July 2014, p. 1) after peace talks stalled between the Pakistani government of Prime Minister Nawaz Sharif and the Taliban who continued to conduct attacks in Pakistani cities. (Jamestown Foundation, 10 July 2015). The Washington, D.C.-based research institute Jamestown Foundation published the following information on “Operation Zarb-e-Azb” also providing an overview of armed conflict in FATA:

“On June 15 [2015], the ongoing Pakistan Army operation ‘Operation Zarb-e-Azb’ (Sharp Strike) completed its first year. The military operation is the first of its kind against the Islamist insurgents based in the North Waziristan district of the Federally Administered Tribal Areas (FATA) of Pakistan. However, there have been previous operations elsewhere in FATA since Pakistan’s first operation against al-Qaeda, Tehrik-e-Taliban Pakistan (TTP) and other foreign Islamist militant groups in the area in 2002. The current operation is intended to target al-Qaeda and its associated movements, both foreign and domestic, including the Islamic Movement of Uzbekistan (IMU), the Chechen Islamic Jihad Union (IJU) and Emirate-e-Kaukav, as well as the East Turkistan Islamic Movement (ETIM) and other various factions of the TTP.

The semi-autonomous FATA comprises seven districts (a.k.a. agencies), and North Waziristan is known for its rugged and rough terrain and inhospitable environment. Previous major military operations conducted in FATA’s six other districts were Operation al-Mizan, Operation Zalzalā, Operation Sher Dil, Operation Rah-e-Rast, Operation Rah-e-Haq and Operation Rah-e-Nijat. Despite some achievements, however, most of these operations were not fully successful. For years, consecutive Pakistani governments and military authorities avoided opening a new front against entrenched Islamist militants in North Waziristan, despite coming under intense pressure from the United States and other Western governments as many international terrorist plots had their origins in North Waziristan, particularly in camps associated with al-Qaeda and the TTP.” (Jamestown Foundation, 10 July 2015)

The Pak Institute for Peace Studies (PIPS) writes that “2015 was a landmark year in the history of Pakistan, as the state and society came up with a long-awaited resolve against terrorism” (PIPS, 5 January 2016, p. 5). For information on anti-terrorist measures please refer to [section 4.2](#) of this compilation.

### *1.7.3 Civilian casualties*

Neta C. Crawford, Professor of Political Science at Boston University, writes the following account of civilian casualties in armed conflict in Pakistan:

“Militants have deliberately attacked Pakistani civilians, or inadvertently injured and killed civilians in their attacks on the Pakistani military and police. While

civilians are injured in attacks on NATO convoys, militants in Pakistan often use suicide attacks that are intended to harm civilians. Further, some militant attacks are ‘complex’ — consisting of both suicide attacks and armed assaults with guns and other weapons. As is the case in Afghanistan, militants seem to be increasingly intent on targeting civilians. For example, suicide bombings were comparatively rare in Pakistan from 2002 to 2006, with about 25 attacks killing approximately 430 people during that entire period. In 2007, Pakistani militant organizations escalated suicide bombing attacks. There were more than 425 suicide attacks from 2007 through 2014, killing more than 7,500 people, and injuring almost 17,000.” (Crawford, 22 May 2015, p. 16)

A query conducted on the digital database of the Pak Institute for Peace Studies (PIPS) for casualties between 1 January and 1 August 2016 yields 348 civilians listed as killed and 689 as injured (PIPS, query 11 August 2016c). According to the PIPS security report, a total of 630 civilians were killed in terrorist attacks in 2015. The report also states that in 2015 “[c]ivilians were the apparent targets of 92 attacks (15 per cent). As many as 41 attacks (over 6 per cent) hit political leaders and workers, while almost a same number of attacks (39) targeted tribal elders constituting anti-militant peace committees” (PIPS, 5 January 2016, p. 7). The South Asia Terrorism Portal (SATP), a website providing assessments and briefings on terrorism in South Asia, gives a higher death toll of civilians. Stating that figures are compiled from news reports and are provisional, the SATP estimates that 940 civilians died in the whole of Pakistan in 2015. According to the SATP, in 2015 most civilians died in Sindh (350), followed by Balochistan (247), FATA (134), Khyber Pakhtunkhwa (117) and Punjab (90) (SATP, 2015). In its analysis of the regional security landscape, the 2015 PIPS security report has a sub-chapter on civilian casualties under the chapter for Khyber Pakhtunkhwa and FATA which states that most terrorist attacks targeting occur in the city of Peshawar:

“As with the previous year, this year too, the Peshawar witnessed the highest number of terrorist attacks targeting civilians. Six attacks this year marked 82 percent decline than the previous year. Also, killings in such attacks dropped by significant 97 percent; and injuries, by 95 percent. Kurram Agency, in FATA, faced five such attacks – attacks on civilians, resulting in the loss of six lives and 20 injuries. Civilians were targeted in districts Mardan, Tank, Swat, Nowshera, Bannu, Charsadda, Dera Ismail Khan and Laki Marwat districts of KP, too, as well as in South Waziristan, North Waziristan, Orakzai, Khyber, Mohmand and Bajaur agencies on FATA.” (PIPS, 5 January 2016, p. 17)

In August 2016 a suicide bombing at a Pakistani hospital in Quetta killed at least 70 and wounded more than 100. A faction of the Pakistani Taliban, Jamaat-ul-Ahrar, claimed responsibility for the attack (AFP, 8 August 2016).

CNN reports on a terrorist attack on Bacha Khan University in Khyber Pakhtunkhwa in January 2016 which killed at least 22 people:

“Militants raided a university in northwest Pakistan Wednesday, timing their attack to a ceremony at the school to ensure maximum casualties. They slaughtered at

least 22 people, a provincial police authority told CNN. [...] Militants had entered the university campus via a low wall at the back of the compound and made their way systematically across the grounds, throwing grenades and shooting, army spokesman Lt. Gen. Asim Bajwa said. [...]

Bacha Khan University is in Charsadda, Khyber Pakhtunkhwa, of which Peshawar is the provincial capital. The city, less than 40 kilometers (25 miles) from Charsadda, is where the Pakistani Taliban slayed 145 people, including 132 children, in a school attack in December 2014. It's unclear whether the group was responsible for this latest atrocity, with conflicting statements issued by the group. One Pakistani Taliban spokesman, Umar Mansoor, said the attack was in retaliation for military operations against the group." (CNN, 21 January 2016)

In December 2015, Dawn, one of the most widely circulated English language daily newspaper in Pakistan, reports on a suicide attack in Khyber Pakhtunkhwa that reportedly killed at least 26 people:

"At least 26 people were killed and 50 others injured when a powerful blast occurred near the National Database and Registration Authority (Nadra) office on Nisatta Road in Mardan, Khyber Pakhtunkhwa, on Tuesday. [...] The explosion ripped through the front entrance of a regional branch of Nadra. [...] The blast took place at a time when the office was crowded with people lining up to make applications for National Identity Cards Deputy Inspector General Mardan Division Saeed Wazir told Dawn News the blast was a 'suicide attack carried out by a bomber'. It's unclear whether the group was responsible for this latest atrocity, with conflicting statements issued by the group." (Dawn, 29 December 2015)

An attack described as the "Taliban's deadliest attack in Pakistan" occurred on 16 December 2014 when militants from the Pakistani Taliban attacked an army-run school in Peshawar, reportedly killing 141 people, 132 of them children (BBC News, 16 December 2014). The British daily newspaper The Guardian gives the following account of the attack:

"At least 126 people, more than 100 of them children, have been killed in a Pakistani Taliban attack at an army school in Peshawar, according to provincial officials. Many children escaped but some were still being held hostage hours after the initial assault, and reporters at the scene said they could still hear firing and explosions. Military helicopter gunships hovered above the school but were unable to open fire because of the hostages. Six or more attackers, dressed in army uniform, mounted the assault on the school for the children of army personnel shortly after 11am. Hundreds were in the school at the time. The attackers, some of them wearing suicide vests, managed to get into the school from the roof of a van parked next to a wall that abuts a graveyard, according to local police. They began firing at random. Another blew himself up as security guards approached. A student who was in the school at the time of the attack told local media: 'The gunmen entered class by class and shot some kids one by one.' Fighting continued in the school more than four hours after the attack began. Police were struggling to hold back distraught parents trying to break through a cordon to reach the

school when there were three loud explosions after 3.30pm. The Pakistan Taliban, Tehreek-e-Taliban, claimed responsibility, saying it was in revenge for a ferocious army offensive in the tribal areas since June. 'We selected the army's school for the attack because the government is targeting our families and females,' said the Taliban spokesman Muhammad Umar Khorasani. 'We want them to feel the pain.' Before leaving the capital of Islamabad for Peshawar, the prime minister, Nawaz Sharif, described the massacre as 'a national tragedy.'" (The Guardian, 16 December 2014)

Civilians were also killed in US drone strikes although the number of civilians killed is disputed since "it is often unclear just how many were killed or injured, and just who those individuals were, whether civilian or militant" (Crawford, 22 May 2015, p. 12) Crawford provides different estimates from various analysts of civilians killed by US drone strikes in Pakistan for the time period 2004-2014, ranging from 156 people to 1,409 people (Crawford, 22 May 2015, p. 12).

## 2 Main Political Developments

### 2.1 Brief overview of political parties and opposition parties

The US-based NGO Freedom House, which conducts research and advocacy on democracy, political freedom and human rights, states that “Pakistan has a thriving and competitive multiparty system that allows both voters and candidates a wide choice of parties”. The NGO underlines, however, that parties also “lack internal democracy and financial transparency” and that “[d]isproportionate influence is exercised by an elite of traditional political families, dubbed ‘electables,’ who are courted as candidates by all the leading parties” (Freedom House, 27 January 2016). The 2014 Integrity System Country Report for Pakistan published by Transparency International Pakistan (TI Pakistan) outlines that “[p]olitical parties are quite weak, mainly due to governance and integrity issues” (TI Pakistan, 25 April 2014, p. 14). It further provides the following information on the political party system in Pakistan:

“[T]he military and undemocratic rule of most of the 66 years since independence of Pakistan have taken their toll, and has resulted in communal, local, parochial, sectarian, and constituency based patterns of politics, along with factionalization of all the major parties. Pakistan’s political system is not well developed and political parties neither have been able to modernize their structures nor promote internal good governance systems. The major political parties of Pakistan are dynastical in nature, and there is no system that encourages party workers to develop themselves into leaders. [...] Pakistan political system is highly elitist, with candidates and political leaders largely drawn from the feudal classes and, in recent years, the affluent business classes. The political party system is thus dictatorial and undemocratic. Most political parties are personality-driven, with virtually no alternative leadership. Elections for party posts are unopposed. Party funding is non-transparent.” (TI Pakistan, 25 April 2014, pp. 177-178)

The same report refers to a 2010 article by Omar Farooq Zain, assistant professor for International Relations at Bahauddin Zakariya University in Punjab, Pakistan, which describes political parties in Pakistan as follows:

“In Pakistan, [...] political parties have become such a commodity that is readily available to the unconstitutional military rulers and non-representative elites for political maneuverings and extending their political legitimacy. The result is obvious - increasing disenchantment with political parties and decreasing trust on the ‘leaders’. A striking contradiction in political parties of Pakistan is their internal deficiencies and undemocratic structures and practices, even though the same parties fight for or seem to struggle for democracy in the country.” (Zain, January - June 2010, p. 89)

In its Transformation Index for 2016, the Bertelsmann Stiftung, a private operating non-profit foundation in Germany, gives the following overview of political parties in Pakistan:

“Political parties and the party system in Pakistan are weak, internally undemocratic (with some exceptions, such as Jamaat-e-Islami and the PTI), and based on personality cults. The three major political parties with nationwide

representation are the Pakistan Muslim League-Nawaz (PML-N), Pakistan Tehrik-e-Insaf (PTI), and the Pakistan Peoples Party (PPP). In addition, there are several regional parties based on ethnicity, such as the Awami National Party (ANP), Muttahida Qaumi Movement (MQM), and the Baluchistan Nationalist Party (BNP). The Islamic parties have followers mostly in urban areas and in the Khyber Pakhtunkhwa. The PML-N is the exclusive preserve of the Sharif family. The PPP has had a hereditary chairmanship since its inception - it is headed by the Bhutto family from Larkana.” (Bertelsmann Stiftung, 2016, p. 11)

As of February 2016, 327 parties are registered with the Election Commission of Pakistan (ECP). For a list of all parties enlisted with the ECP, please see the link below:

- ECP - Election Commission of Pakistan: List of Political Parties Enlisted with ECP, 5 February 2016

<http://ecp.gov.pk/Misc/326enlistedpolitical%20partiesinECP.pdf>

The sections below provide information on some of the main political parties in Pakistan. They are listed in the descending order of the number of seats they hold in the National Assembly after the election of 11 May 2013 (for an overview of a party-wise distribution of seats see National Assembly, undated (b)). According to Article 51 of the Constitution, the National Assembly has a total of 342 members, including 60 seats reserved for women and 10 for non-Muslims (for an overview of the Province-wise distribution of seats and the current status, see National Assembly, undated (a)).

#### *Pakistan Muslim League - Nawaz*

With a total of 188 seats in the National Assembly, the Pakistan Muslim League - Nawaz (PML-N) is the strongest party in Pakistan (National Assembly, undated (c)). PML-N won the 11 May 2013 general elections in Pakistan and its leader, Nawaz Sharif, was elected the country's 18th prime minister (Dawn, 5 June 2013). The Congressional Research Service, which provides research for the United States Congress, provides the following description of the PML-N:

“Pakistan Muslim League-Nawaz (PML-N) was established in 1993 by then-Prime Minister Sharif as an offshoot of the country's oldest party and the only major party existing at the time of independence. Right-leaning and home to many religious conservatives, its votebank is mostly limited to Punjab, where more than half of Pakistan's population resides, and where Nawaz's brother, Shabaz, is Chief Minister.” (CRS, 2 July 2013, p. 2)

The Qatar-based TV news network Al Jazeera published an article in preparation of the general elections 2013, giving an overview of the main political parties in Pakistan and describing the PML-N and its leadership as follows:

“A centre-right, fiscally and socially conservative party, the PML-N draws its strength from Punjab, Pakistan's most populous province. [...] The Sharifs draw their wealth from running a number of industries - primarily steel mills - and much of their support comes from influential industrialists and agriculturalists in both rural and urban areas of Punjab. Like most other major political parties in Pakistan,

it is heavily reliant on kinship and patronage networks for votes. Nawaz, the elder Sharif, first rose to prominence under General Zia-ul-Haq, Pakistan's military dictator from 1977-88, and in the following years, his party emerged as the primary opposition to Benazir Bhutto's PPP. The two parties spent the 1990s trading places in government, with neither completing a full term, until Nawaz's government was ousted in 1999 by then-army chief Pervez Musharraf, who appointed himself leader of the country. Nawaz spent the next seven years in self-imposed exile, under an agreement with Musharraf's government, returning in 2007 to lead his party's campaign in the 2008 general election (even though he did not himself run for office that year). He regained political prominence by supporting the Lawyers Movement against Musharraf, and his party easily swept into power in Punjab and, with a strong showing in the province, also re-established itself in the National Assembly." (Al Jazeera, 6 May 2013)

After the May 2013 elections the international news agency Agence France-Presse (AFP) writes that the results "represented a remarkable comeback for a man deposed in a 1999 military coup" (AFP, 12 May 2013). The BBC notes that "President of the Pakistan Muslim League-N (PML-N) and owner of Ittefaq Group, a leading steel mill conglomerate, he [Nawaz Sharif] is among the country's wealthiest industrialists" (BBC News, 24 September 2013). The Pakistani English daily newspaper Dawn gives the following description of the new Prime Minister, his party and the election campaign:

"Nawaz Sharif of the PML-N was elected the country's 18th prime minister in a race which also featured Pakistan Peoples Party's Makhdoom Amin Fahim and Pakistan Tehrik-i-Insaaf's Javed Hashmi. The PML-N chief is scheduled to take oath from President Asif Ali Zardari on Wednesday evening. Sharif won the office by bagging 244 votes with his rivals Fahim and Hashmi securing 42 and 31 votes respectively. Sharif returned to power after surviving a military coup, a seven-year exile to Saudi Arabia and a government dismissal. His party secured majority in the May 11 elections making him the only leader to assume power for the third time amid hopes and promises that he will steer the country out of crisis. During his campaign for the May 11 elections, 62-year-old Sharif had vowed that his party would turn Pakistan into a new, modern and developed country if the people voted it to power. The PML-N chief has also been vocal on the issue of Balochistan and missing persons. He supports friendly relations with India and opposes the United States' policy on drone strikes. Calling terrorism a challenge for the country, the PML-N chief is also in favour of peace talks with the Taliban. In his recent interviews and press conferences, Sharif has repeatedly said that the first priorities of his government will be to resolve the energy crisis by reducing load-shedding and improving the country's economy. He has also made a number of promises regarding construction of roads, motorways and airports at various places during election rallies, besides running a bullet train for the country. These pledges have led to an unprecedented rise in the stock market. However, analysts believe that his actions should reflect the promises he made during the election campaign." (Dawn, 5 June 2013)

The German think-tank Konrad Adenauer Stiftung (KAS) explains that due to the 18<sup>th</sup> constitutional amendment of 2010, Nawaz Sharif was able to run for the office of Prime Minister a third time. Before the amendment, which mainly aimed at strengthening the rights of the provinces and foster decentralization as well as parliamentarianism, the Prime Minister could only run for office two times (KAS, 12 August 2013).

The Economist Intelligence Unit (EIU), which is part of the British multimedia company the Economist Group and provides forecasting and advisory services through research and analysis, writes that in 2016, Nawaz Sharif reportedly had to undergo major surgery in London. The article notes the following on Nawaz Sharif's health and possible implications for the leadership of the PML-N:

“The prime minister, Nawaz Sharif, underwent quadruple cardiac bypass surgery at a hospital in London (UK) on May 31st. [...] Senior Pakistan Muslim League-Nawaz (PML-N) leaders expect Mr Sharif to return to Pakistan by the end of June, although the precise timeline will depend on the course of his recovery. The prospect of his extended absence has raised immediate concerns about governance and fanned longer-term questions about the party's leadership succession. Nevertheless, regime change is not a serious prospect at the moment: neither the military establishment nor the opposition are likely to use the opportunity to unseat Mr Sharif. Mr Sharif's leadership of the PML-N is probably secure until he decides to relinquish it. He founded the party, and solidarity with his brother, Shahbaz Sharif, who is chief minister of Punjab province (the PML-N's heartland), has ensured tight party discipline. However, pressure for change would probably mount were Mr Sharif unable to lead a robust general election campaign (the poll is due in 2018). This could involve a generational shift to Ms Sharif, or the appointment of a non-family PML-N stalwart as a figurehead to represent Mr Sharif.” (EIU, 2 June 2016)

#### *Pakistan Peoples Party (PPP)*

The Pakistan Peoples Party (PPP) had the majority in the 2008 elections but “failed to provide any relief to the masses which suffered power shortages, hiking electricity and gas prices and sky rocketing commodity prices” (CACI, 14 June 2013). After losing to the PML-N in the May 2013 elections, it is the second strongest party in Pakistan, holding 46 seats in the National Assembly (National Assembly, undated (d)). The Congressional Research Service (CRS) gives the following overview of the PPP:

“Pakistan People's Party (PPP) was established in 1967 by former Prime Minister Zulfikar Ali Bhutto [...]. Democratic socialist and home to many 'secularists,' its main votebank is in Sindh, where it leads the provincial ruling coalition. PPP Co-Chairs are President Zardari and his son Bilawal Bhutto Zardari, widely considered heir-apparent to PPP leadership.” (CRS, 2 July 2013, p. 2)

The International Crisis Group (ICG), an independent non-profit NGO striving to prevent and resolve conflict, gives the following overview of the leadership of the PPP:

“Pakistan Peoples Party, founded by Zulfikar Ali Bhutto in 1967. Since Benazir Bhutto’s December 2007 assassination, the party is headed by her widower, former President Asif Ali Zardari, and son, Bilawal Bhutto Zardari. It led the coalition government in the centre from 2008 to 2013 and is currently the largest opposition party in the National Assembly. It also heads the Sindh provincial government.” (ICG, 30 May 2016, p. 26)

In the run-up to the May 2013 election, Al Jazeera gives the following overview of the PPP and its leadership:

“Founded in 1967 by Zulfiqar Ali Bhutto, Benazir’s father, the PPP positions itself as a secular, centre-left socialist party, with a strong emphasis on using public-sector expenditure as a way to address income and social disparities. The party has been voted into power four times since its inception (1977, 1988, 1993 and 2008), but this last term was the first time it completed its full five-year term in office - making it the first Pakistani civilian-led government to do so. Since its formation, the PPP has been a major political player, relying on a combination of pro-poor rhetoric and inspirational leadership (primarily in the form of Zulfiqar Ali Bhutto and Benazir Bhutto - both of whom were killed while carrying out political activities and are considered martyrs by the PPP faithful). The party, to many voters, represents a force that stands against the country’s powerful military and civilian establishment - even if that analysis does not stand up to substantive scrutiny when examining the PPP’s stints in government. [...] The party has also been perennially dogged by corruption allegations - most notably those aimed at its leader, President Asif Ali Zardari. There is also some dissatisfaction among the PPP cadre as to how Zardari, Bhutto’s widower, has run the party since her death, sidelining many party stalwarts and installing people loyal to him in key positions. Bilawal Bhutto-Zardari, his 24-year-old son, has been appointed the party chairman, continuing the legacy of Bhutto's leading the party.” (Al Jazeera, 6 May 2013)

#### *Pakistan Tehreek-e-Insaf (PTI)*

The Pakistan Tehreek-e-Insaf (PTI) party was a strong contender in the May 2013 elections and according to the Central Asia-Caucasus Institute (CACI), which is part of the independently and privately funded Transatlantic Research and Policy Center based in Washington, D.C., and Stockholm, “by the time elections were announced, it was obvious that the real contest would be between the Pakistan Muslim League (PML-N) led by two-time prime minister Nawaz Sharif and Pakistan Tehreek-e-Insaf (Pakistan Justice Party, PTI) led by former cricket superstar and philanthropist Imran Khan” (CACI, 14 June 2013). The PTI holds 33 seats in the National Assembly, making it the third strongest party in Pakistan (National Assembly, undated (e)). In the run-up to the 2013 elections, Al Jazeera describes the PTI as follows:

“Led by Imran Khan, this party was formed in 1996, after Khan retired following a remarkably successful career as an international cricketer. The party’s aim was primarily to wipe out corruption and tackle ineffective governance in a country where both have crippled attempts at government service delivery. The PTI was

largely politically irrelevant for the first decade or so of its existence, but shot to prominence in 2012 when it held massive political rallies in Lahore, Karachi and elsewhere. The party's platform remains largely unchanged: Khan promises that he will wipe out 'major corruption' within the party's first 90 days in office, and its manifesto states that it is built on an 'anti-status quo' foundation. The party also says that it will declare a 'national emergency' on energy-sector reform, expenditure reform, revenue collection and development of human capital indicators. Khan has promised to establish an 'Islamic welfare state' in several campaign speeches. The party's policy on homegrown militancy advocates an approach based on dialogue with those elements wishing to lay down their arms and a disengagement from the country's current alliance with the United States, citing the partnership as one of the key causes of militancy against the Pakistani state. Electorally speaking, the PTI has bolstered its ranks with former members of the parties it has slammed in the past for exercising patronage politics, and will likely give the PML-N and PML-Q [Pakistan Muslim League Quaid-e-Azam] a tough fight in rural constituencies in Punjab. It also provides an alternative to the secular ANP [Awami National Party] and religiously conservative JUI-F [Jamiat Ulema-e-Islam - Fazl-ur-Rehman] in Khyber-Pakhtunkhwa province. In Sindh it has positioned itself as an alternative to the MQM, [Muttahida Qaumi Movement] long accused of exercising a violent brand of politics, in the province's urban areas." (Al Jazeera, 6 May 2013)

The Congressional Research Center (CRS) also writes that "Khan is a vocal opponent of Pakistan's counterterrorism cooperation with the United States and is at times viewed as sympathetic toward Islamist militants" (CRS, 2 July 2013). The Washington-based non-profit public policy think tank Brookings Institution writes the following about the PTI after the election and its potential connections to militant groups:

"In 2013, for instance, Khan's Pakistan Tehreek-e-Insaaf (PTI) emerged as the second-largest party in all of Pakistan's major cities. And, displacing both the secular and the religious parties that previously fought to control Khyber Pakhtunkhwa, Khan succeeded in forming a government there in coalition with the Jama'at. In fact, many of the PTI's election rallies featured religious leaders from a far-right amalgamation known as the 'Defence of Pakistan' Council—a group that, in addition to the Jama'at, included both the JUI-S [Jamiat Ulema-e-Islam - Sami-ul-Haq] as well as pro-Army Salafis like Hafiz Saeed and his militant group Lashkar-e-Taiba." (Brookings Institution, August 2015, p. 9)

#### *Muttahida Qaumi Movement (MQM)*

The Muttahida Qaumi Movement (MQM) holds a total of 24 seats in the National Assembly (National Assembly, undated (f)). The Congressional Research Center (CRS) describes the MQM as follows:

"Muttahida Quami Movement (MQM) is a regional party mainly comprised of the descendants of pre-partition immigrants (Muhajirs) from what is now India. It was

founded in 1984 by Altaf Hussein, who lives in exile in London. Secular and focused on provincial issues, its votebank is wholly limited to Karachi, which it dominates politically, and to other Sindhi urban centers.” (CRS, 2 July 2013, p. 2)

The French international radio service Radio France Internationale (RFI) gives the following overview of the development of the party and its leadership:

“In the 1980s Sindhi politics became increasingly violent and Nawaz Sharif’s government launched a military operation ostensibly to crack down on all armed groups, both political and criminal. The MQM viewed the operation as an attempt to wipe it out and many of its activists were jailed or killed, while the violence persisted, especially in Karachi. Claiming that his liberty and even his life were in danger, Altaf Hussein went into voluntary exile in London in 1992, while the party, along with others in the province, became increasingly militarised and was accused of involvement in criminal activities. In 1997 the MQM swapped Muhajir for Muttahida in its title to become the United National Movement in a bid to broaden its appeal to all Pakistanis. [...] The party is resolutely secular and takes a more liberal stance than most large Pakistani parties on many social issues.” (RFI, 28 April 2013)

The BBC also gave a brief overview of the MQM before the May 2013 elections:

“The secular Muttahida Qaumi Movement (MQM), which is popular among urban voters and the business community in Karachi and Hyderabad, is a coalition partner of the PPP at the federal level and in Sindh province. It has, however, fielded its own candidates in all four provinces and has not sought any electoral alliances.” (BBC News, 12 May 2013)

In its human rights report covering the year 2015, the US Department of State (USDOS) writes that there has been a “significant increase in attacks” on members of the Muttahida Qaumi Movement (MQM) as well as on members of the Awami National Party (ANP), Pakistan People’s Party and other government office holders, in the reporting year of 2015 (USDOS, 13 April 2016, section 1a). Reporting about alleged disappearances of party members in Karachi, the USDOS writes the following:

“Karachi-based political party MQM alleged that the paramilitary Sindh Rangers kidnapped, tortured, and killed some of its members in ongoing security operations in Karachi. They claimed that as of August [2015], 151 MQM members remained missing and that authorities killed 55 extrajudicially in the operations. The Human Rights Commission of Pakistan called for a probe into extrajudicial killings and disappearances of MQM workers.” (USDOS, 13 April 2016, section 1b)

#### *Jamiat Ulema-i-Islam-Fazal (JUI-F)*

With a total of 13 seats in the National Assembly, the JUI-F is the fifth strongest party in Parliament (National Assembly, undated (g)). According to the Congressional Research Service (CRS), the JUI-F is “a conservative Deobandi Islamist party led by cleric Fazl-ur Rehman since

1988” which is “ideologically similar to the Afghan Taliban and has links with many Pakistani militant groups” (CRS, 2 July 2013, p. 2). In the run-up to the May 2013 elections, the BBC writes that the JUI-F “is considered to be the most important religious party in the elections” (BBC News, 12 May 2013).

### *Other parties*

While the five parties listed above hold approximately 90 per cent of the seats in the National Assembly (National Assembly, undated (b)), other parties notably include the *Pakistan Muslim League – Functional (PML-F)*, holding five seats (National Assembly, undated (h)) and the *Pakistan Muslim League-Quaid (PML-Q)*, which “was the third-largest party in the 2008-2013 parliament, with 54 seats in the National Assembly” (Al Jazeera, 6 May 2013) and had “formed an informal electoral alliance with the PPP in Punjab” during the 2013 elections (BBC News, 12 May 2013). *The Jamaat-i-Islami*, “the oldest religious party in Pakistan” (BBC News, 12 May 2013), holds four seats (National Assembly, undated (i)) and the secular *Awami National Party (ANP)* (BBC News, 12 May 2013) holds two seats in the National Assembly (National Assembly, undated (j)).

## **2.1 Elections and political participation**

In its country report on human rights practices covering the year 2015, the US Department of State (USDOS) gives the following account of the freedom for political parties in Pakistan:

“There were few restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views. In Balochistan, however, there were reports security agencies and separatist groups harassed local political parties, such as the Balochistan National Party and the Balochistan Student Organization.” (USDOS, 13 April 2016, section 3)

In regard to the political participation of non-Muslims, Freedom House, a US-based NGO which conducts research and advocacy on democracy reports that “the participation of non-Muslims in the political system continues to be marginal”. The same report explains that “political parties nominate members to legislative seats reserved for non-Muslim minorities, leaving non-Muslim voters with little say in selecting the parliamentarians who supposedly represent them”. Additionally, Ahmadis “face political discrimination and are registered on a separate voter roll” (Freedom House, 27 January 2016). The USDOS elaborates on the difficulties faced by Ahmadis, explaining that “the government requires voters to indicate their religion when registering to vote and requires Ahmadis to declare themselves as non-Muslims. Since Ahmadis consider themselves Muslims, many were unable to vote if they did not comply” (USDOS, 13 April 2016, section 3).

The same USDOS report notes that women may have difficulties to actively participate in the political system in Pakistan:

“While no laws prevent women from voting, cultural and traditional barriers in tribal and rural areas impeded some women from voting. [...] Women participated actively as political party members, but they were not always successful in securing

leadership positions within parties, with the exception of women's wings." (USDOS, 13 April 2016, section 3)

Election processes in Pakistan are assessed by the Germany-based, privately operating non-profit Bertelsmann Stiftung in its Transformation Index for 2016:

"Elections are a peaceful means of regime change. However, most elections in Pakistan are manipulated in one way or another. This can be seen in political victimization, pressurizing the population, the intimidation of polling staff and the use of state assets and administration. However, electronic media, educated young voters, and a massive campaign by the PTI [Tehreek-e-Insaf] to highlight the issues of rigging and bad governance have brought an overall change to Pakistan's politics." (Bertelsmann Stiftung, 2016, p. 11)

The last general elections in Pakistan on 11<sup>th</sup> May 2013 marked "the country's first transition between democratically elected civilian governments since partition from India in 1947" (IPU, undated). While elections for the federal and provincial assemblies should be held every five years, "this process has been stalled by successive military dictators. They have also elected members of the local government at district, tehsil and union council levels" (Bertelsmann Stiftung, 2016, p. 7). The Congressional Research Service (CRS) gives the following account of the 2013 elections:

"The 2013 NA [National Assembly] elections saw Sharif's Pakistan Muslim League-Nawaz (PML-N) win an outright majority in the NA, handily defeating both the incumbent PPP and a new national-level challenger, the Pakistan Tehrik-e-Insaf (PTI or Movement for Justice) led by former cricket star Imran Khan, whose party surged into prominence in 2012. Islamist militants opposed the elections and launched numerous attacks on 'secular' parties and candidates, but a strong voter turnout of nearly 60% indicated that citizens largely defied their threats." (CRS, 2 July 2013, p. 1)

The violence and other disturbances leading up to the elections is summarised by the Bertelsmann Stiftung in its Transformation Index for 2016:

"The 2013 elections were preceded by heightened acts of violence and attacks against workers, political leaders and election candidates. According to a report published by the Pakistan Institute of Peace Studies (PIPS), 298 people were killed and 885 were injured between January 1 2013 and May 15 2013 in 148 politically motivated terrorist incidents. The violence or threat of violence prevented the Awami National Party (ANP) and the Pakistan Peoples Party (PPP) from campaigning openly for their candidates. In addition, the media reported several incidents in the Khyber Pakhtunkhwa where women were barred from voting. Many national and international observers judged the 2013 elections to be relatively fair and free. However, Pakistan Tehreek-e-Insaf (PTI), led by Imran Khan, has time and again accused the judiciary and the Election Commission of massive rigging in 2013 elections. They have demanded a recount in four constituencies of Lahore." (Bertelsmann Stiftung, 2016, p. 7)

Despite the increase in violence before the election, Freedom House also reports that “[p]rominent international and domestic election observers judged the 2013 elections favorably, citing active competition and campaigning, and voter turnout of 55 per cent.” (Freedom House, 27 January 2016). Analyst Thomas Ruttig from the Afghanistan Analysts Network (AAN) conducted an e-mail interview with Hossain Yasa, editor-in-chief of Kabul-based daily Afghanistan Observer, who said the following about the high turnout at the 2013 elections:

“The high turnout was for two main reasons. First, the old PPP [Pakistan People’s Party] government could not deliver as per the desire of the people of Pakistan in combatting bad governance and corruption, addressing the energy crisis and the economic drawdown as well as dealing with the growing insurgency. Secondly, there is an ‘anti-incumbency factor’; that is, in the history of Pakistan, none of the parties ever won a second, consecutive turn. Pakistanis wanted a change from the incumbents’ rule to new rulers. And the media played an important role in mobilising the people.” (Ruttig, 14 May 2013)

In its Freedom in the World report, Freedom House notes that “[l]ingering controversies around the conduct of the elections were settled in 2015” and that “[a] national judicial inquiry commission reported in July that the elections had largely been conducted fairly and according to the law”. This commission reportedly also stated that “irregularities did not distort the popular mandate”, but that “the administration of the elections was at times chaotic and poorly documented” (Freedom House, 27 January 2016). The European Union Election Observation Mission (EOM) to Pakistan writes the following in its final report, presenting its findings on the general elections of 11 May 2013 in Pakistan:

“A strong democratic commitment was demonstrated in the 2013 elections, by the state authorities of Pakistan, civil society, political parties and voters. Despite escalating militant attacks, and procedural shortcomings, the electoral process progressed with high levels of competition, a marked increase in voter participation, and overall acceptance of the outcome. The electoral reform undertaken in the last few years, particularly in regards to the leadership of the Election Commission of Pakistan (ECP) and the electoral roll, provided for a significantly improved process. However fundamental problems remain with the legal framework and the implementation of certain provisions, leaving future processes vulnerable to malpractice and Pakistan not fully meeting its obligations to provide citizens the right and opportunity to stand as candidates and to vote.

[...] The legal framework has been improved through various amendments to the Constitution. These established a parliamentary process for the appointment of the Caretaker Prime Minister, Chief Ministers, and the ECP leadership, as well as collective decision-making by the ECP Members and Chief Election Commissioner (CEC). These improved mechanisms contributed to enhanced confidence in the institutions and reduced allegations of bias compared to 2008. However further legislative reform for elections was not significantly achieved.

The ECP has undertaken some consultation with political parties and civil society, which has contributed to increased confidence in and performance by the institution. However the ECP has not used its broad powers to establish a complete regulatory framework, leaving critical aspects of the election open to discretion. The ECP has also not taken full responsibility for all aspects of the election administration, instead deferring some key matters to temporarily appointed Returning Officers (ROs) without sufficient regulation or central oversight.

[...] The elections were undertaken in a difficult security environment that affected voters, political parties, candidates, the election administration, observers and the media. Despite militant threats, a high number of citizens contested, with a total of 16,692 candidacies accepted, of which 5,000 were for the 342 National Assembly (NA) seats (272 general seats, 60 reserved for women and 10 for non-Muslims), and 11,692 for the 728 Provincial Assembly (PA) seats. There was an average of 17.2 candidates per NA constituency, a doubling from 8.3 in 2008. All those parties that boycotted the 2008 elections chose to participate in 2013, and only one party declared a boycott before election day.

[...] During the last four weeks of the campaign, there were a reported 130 security incidents resulting in more than 150 people killed. [...] The high number of attacks affected campaigning and unbalanced the playing field, in particular in KPK, Balochistan and Karachi. [...] Election day proceeded more smoothly than anticipated with a large-scale security effort in place, although still there were reportedly 62 violent incidents resulting in at least 64 election-related deaths and 225 people injured.” (EOM, 10 July 2013, pp. 3-4)

In its National Integrity System Report 2014, Transparency International Pakistan (TI Pakistan), an NGO dedicated to fight corruption, also refers to improvements made by the Electoral Management Body:

“Another top scoring institution is the Electoral Management Body which has shown significant improvement in its processes. This includes issuance of voting lists and polling stations and access to relevant information for voters via mobile phone services. Accountability of its members and transparency with respect to procedures adopted by EMB for conducting elections are also well structured. But serious issues have come to light with respect to ECP’s [Election Commission of Pakistan’s] role in monitoring and regulating campaign finances.” (TI Pakistan, 25 April 2014, p. 13)

In September 2014, the Congressional Research Service (CRS) reports, however, that “[b]eginning on August 15, 2014, Pakistan’s struggle to establish a sustainable democratic system has met with a new reversal in the form of major anti-government street protests in the capital” (CRS, 3 September 2014, Summary). In August 2014, the International Crisis Group (ICG), a transnational non-government organisation based in Brussels that carries out field research on violent conflict, writes the following on the protests:

“A little over a year ago, Pakistan entered an unprecedented second phase of democratic transition, with one elected government handing power to another by peaceful, constitutional means. This fragile transition will be gravely threatened unless a fast-escalating political crisis is urgently defused. The protests rocking Islamabad threaten to upend the constitutional order, set back rule of law and open the possibility of a soft coup, with the military ruling through the backdoor. Renewed political instability at the centre would imperil any progress that has been made in addressing grievous economic, development and security challenges. The government’s moves, supported by the parliamentary opposition, to accommodate some of the protestors’ demands – particularly as regards electoral reform – are welcome. It is worrying, however, that protest leaders appear adamant in rejecting such outreach. [...]

Protesting with several thousand supporters in front of the national parliament in Islamabad, Pakistan Tehreek-e-Insaf’s (PTI) Imran Khan and the Pakistan Awami Tehreek’s (PAT) cleric-cum-politician leader Tahirul Qadri are demanding Prime Minister Nawaz Sharif’s resignation. Beyond that their demands diverge. Qadri has called for resignation of the government, dissolution of all legislatures and formation of a national government to enact sweeping constitutional reform that would replace parliamentary democracy with a neo-theocratic order. Khan, who has prime ministerial ambitions, has claimed that massive rigging by the ruling Pakistan Muslim League-Nawaz (PML-N), the Election Commission of Pakistan (ECP), then Chief Justice Iftikhar Chaudhry, segments of the media and many other institutions and individuals deprived him of victory in the May 2013 national and provincial elections. He wants those responsible for rigging tried for treason, Sharif’s resignation, dissolution of the national parliament, formation of a neutral interim government and new elections. [...]

The government cannot absolve itself of all responsibility for the impasse, including confrontation between the police and Qadri’s followers in Punjab’s capital, Lahore, that resulted in the deaths of several PAT supporters in June and foot-dragging on Khan’s initial demands for a limited electoral audit. In the face of the Islamabad protests, however, it has thus far exercised restraint, concerned that any attempt to use force could further inflame sentiment, exacerbate the crisis and give spoilers opportunity to disrupt the democratic process. Further, it has accepted Khan’s original demand to recount votes in some disputed constituencies. It has also accepted his demand for a judicial probe into rigging, having requested the Supreme Court to set up a commission to investigate conduct of the May elections; and has responded positively to Khan’s critique of the ECP and the electoral process by constituting a parliamentary committee, including PTI legislators, to develop proposals for meaningful electoral reform. However, Khan has rejected these concessions and moved the goal posts, rejecting the elections entirely and calling for new polls.” (ICG, 21 August 2014)

In December 2014, the English daily newspaper Dawn reports that the Pakistan Tehreek-e-Insaf (PTI) “on Wednesday decided to end their countrywide sit-in protests” following the terrorist

attack on a school in Peshawar that left 141 people dead, including 132 children. The newspaper cites Imran Khan giving the following statement:

“‘Due to the situation in the country right now, we have decided to end our protests,’ PTI Chairman Imran Khan told party supporters in Islamabad. The decision was made by the PTI core committee to end the four-month long sit-in protests. Imran Khan said that the decision had been made in light of the terrorist attack on a school in Peshawar and said that the country needed national unity.”  
(Dawn, 17 December 2014)

### 3 Non-state armed actors and militant groups

In February 2014 the daily Pakistani newspaper Dawn writes that “there is still a great deal of confusion about the number, nature and end goals of the militant organisations operating in Pakistan” (Dawn, 3 February 2014). Giving an overview of different militant groups in Pakistan, the newspaper explains that “it is difficult to draw hard lines around these groups, as there is a great deal of cooperation and inter-linkage. Sometimes, for operational and propaganda reasons, a Tehreek-e-Taliban Pakistan (TTP) attack on Shias will be claimed by the Lashkar-e-Jhangvi (LJ) and so on. This also helps maintain the fiction that these groups are somehow entirely distinct entities” (Dawn, 3 February 2014). The South Asia Terrorism Portal (SATP), which is operated by the Institute for Conflict Management, a non-profit NGO based in New Delhi, similarly reports that “there is an overlap of membership between TTP and other sectarian terrorist outfits that operate across the country, each pursuing its own internal and external agendas” (SATP, undated (a)).

The Pak Institute for Peace Studies (PIPS), an independent nongovernmental research and advocacy think-tank comprised of Pakistani scholars, researchers and journalists gives the following summary of incidents and the responsible militant groups in 2015:

“Over 57 percent (359) of all the 625 reported terrorist attacks in 2015 were carried out by the Pakistani Taliban, mainly the Tehreek-e-Taliban Pakistan (TTP) and affiliated local Taliban groups, or other groups with similar objectives such as Jamaatul Ahrar, Khyber-Agency based Lashkar-e-Islam, Said Sajna group, Jundullah and ISIS affiliates/supporters. At least, 580 people were killed and another 828 injured in these attacks. Baloch and Sindhi nationalist insurgents carried out 208 attacks that claimed the lives of 217 people and injured 330 others.” (PIPS, 5 January 2016, p. 7)

The National Counter Terrorism Authority Pakistan (NACTA) provides a list of all proscribed organisations in Pakistan on its website under recent updates (July 2016). The list has been scanned in two parts and can be accessed via the following links:

- NACTA - National Counter Terrorism Authority Pakistan: List of Proscribed/Banned Organisations by (MOI), July 2016 (scanned list in two parts)  
<http://nacta.gov.pk/Events/BannedOrgs/Banned-Org-0001.pdf> (Part 1)  
<http://nacta.gov.pk/Events/BannedOrgs/Banned-Org-0002.pdf> (Part 2)

This chapter loosely categorizes non-state armed actors and militant groups operating in Pakistan as Pakistani Taliban, Afghan Taliban, sectarian groups, anti-India oriented jihadist groups in Jammu & Kashmir and beyond, globally oriented international armed groups, nationalist insurgents, and Balochi groups.

#### 3.1 Pakistani Taliban

##### 3.1.1 *Tehreek -e-Taliban Pakistan (TTP)*

The South Asia Terrorism Portal provides the following overview of the emergence and the structure of the Tehreek-e-Taliban Pakistan (TTP):

“Tehreek-e-Taliban Pakistan (TTP), famously known as Pakistani Taliban, is the deadliest among all indigenous militant outfits. The inception leading to the formation of TTP went back to the days of NATO operations in Afghanistan after 9/11. After the American intervention in Afghanistan, a section of radicals started a movement inside Pakistan to support the Taliban. They remained just sympathizers till Lal Masjid (Red Mosque) incident happened in July 2007. In December 2007 the existence of the TTP was officially announced under the leadership of Baitullah Mehsud. 13 groups united under the leadership of Baitullah Mehsud to form the TTP in an undisclosed place in South Waziristan Agency of Federally Administered Tribal Areas (FATA). The sole objective of the Shura meeting was to unite the small militant fractions under the leadership of TTP against NATO forces in Afghanistan and to wage a defensive jihad against Pakistani forces. [...]

The group contains membership from all of FATA’s seven tribal agencies as well as several districts of the KP. Estimates place the total number of operatives between 30,000 and 35,000. Headquartered in the South Waziristan Agency of FATA, TTP has spread its networks into all of Pakistan’s four provinces, establishing various ‘Chapters’ and groups led by local ‘commanders’ with common organisational goals. The TTP has also made its presence felt in neighbouring Afghanistan in recent times [...]

On July 29, 2011, the United Nations Security Council (UNSC) put the TTP on its international anti-terrorism sanctions list in a move highlighting the growing threat from the outfit.” (SATP, undated (a))

In its country report on terrorism covering the year 2015, the US Department of State (USDOS) provides the following information on the TTP:

“TTP’s goals include waging a terrorist campaign against the Pakistani military and state, against NATO forces in Afghanistan, and overthrowing the Government of Pakistan. TTP uses the tribal belt along the Afghanistan-Pakistan border to train and deploy its operatives, and has ties to al-Qa’ida (AQ). TTP draws ideological guidance from AQ, while AQ relies on TTP for safe haven in the Pashtun areas along the Afghanistan-Pakistani border. This arrangement gives TTP access to both AQ’s global terrorist network and the operational experience of its members.” (USDOS, 2 June 2016, chapter 6)

In July 2014, the American Foreign Policy Council (AFPC), a United States non-profit organization conducting foreign policy research, gives the following overview of the stance of Nawaz Sharif’s Pakistan Muslim League/Nawaz (PML/N) towards the TTP in the run-up to the 2013 elections and the Sharif government’s dealing with the TTP after winning the election:

“In the six weeks before Pakistani elections in May 2013, the TTP took responsibility for attacks that killed scores of election workers and candidates mainly from the secular-leaning political parties. Nawaz Sharif’s Pakistan Muslim League/Nawaz (PML/N) party ran on a campaign of supporting negotiations with the TTP and failed to denounce the attacks on the electoral process. Six months after winning the

elections, the Nawaz Sharif government offered to engage in talks with the TTP. The TTP-government talks officially started in January 2014 but did not last long. The TTP claims of instituting a cease-fire were undermined by continued attacks against civilians and security forces. Talks broke down altogether following a major TTP attack on the Karachi airport, which began on the evening of June 8th and killed nearly 36. One week later, the Pakistan military announced the launch of a new military offensive against TTP bases in North Waziristan, Zarb-e-Azb ('Strike of the Prophet's Sword')." (AFPC, 14 July 2014, p. 4)

In March 2015, the American newspaper The Wall Street Journal (WSJ) writes that "[t]he Pakistani Taliban are nominally loyal to the leader of the Afghan Taliban, but the Pakistani militants operate independently. The main Pakistani Taliban faction is led by a militant going by the name of Mullah Fazlullah, who the Pakistani government says is based in eastern Afghanistan" (WSJ, 12 March 2015). The same month, the Pakistani newspaper Dawn reports that "the TTP disintegrated [in 2014] after a group led by Omar Khalid Khurasani based in Mohmand Agency revolted against Mulla Fazlullah and formed his own faction with the name of Jamaatul Ahrar" (Dawn, 13 March 2015). The Pak Institute for Peace Studies (PIPS) writes the following about the TTP offshoot Jamaatul Ahrar (JA) in its annual security report for the year 2015:

"The TTP splinter group Jamaatul Ahrar further fuelled instability, by carrying out 28 terrorist attacks. In December 2015, the group carried out one of the deadliest attacks of the year, in KP's Mardan district, where the JA hit at people queuing up outside NADRA's office. This group also managed five attacks in Punjab, indicating its support network being intact in the province; the same group was behind the Wagha border terrorist attacks in 2014." (PIPS, 5 January 2016, p. 11)

The Institute of Peace and Conflict Studies (IPCS), an independent defence, foreign policy and security studies think tank in India, writes that the TTP "never attempted to transform into a monolithic organization" and that "any debate on the TTP imploding or getting divided has to understand this basic framework of the Pakistan Taliban" (IPCS, January 2015, p. 4). The following explanation of the IPCS gives insights into this framework:

"When it was formed in December 2007, Pakistani Taliban was not a monolithic organization. In fact, it never attempted to transform into a monolithic organization with a rigid hierarchy even under the strong leaderships of Baitullah Mehsud and his successor Hakimullah Mehsud. [...]"

It remained a conglomerate of multiple pashtun tribal groups in the FATA. Later, the Tehreek-e- Nafaz-e-Shariat-e-Mohammadi (TNSM) from the Malakand region joined the TTP and became its franchisee in Swat. Sectarian and jihadi groups from Punjab such as the Lashkar-e-Jhangvi (LeJ) and the Jaish-e-Mohammad (JeM) also joined the TTP and came to be referred as the Punjabi Taliban.

Though both the Mehsuds (Baitullah and Hakimullah) were ruthless leaders and wielded strong power within the TTP, there were regular bickering and infighting. When Baitullah Mehsud - the founder leader of the TTP was killed in a drone attack

in 2009, there was a struggle between Hakimullah Mehsud and Wali ur Rehman, before the former took control of the TTP. Right from the beginning, the TTP continuously witnessed an internal power struggle – based on tribal divides and also based on individual groups’ loyalties towards Afghan Taliban, al Qaeda (and its affiliates) and the Pakistan Establishment. [...]

Despite the above differences, until the death of Hakimullah Mehsud, the TTP was tightly controlled and led predominantly by the Mehsud tribe [...] The killing of Hakimullah Mehsud in a drone attack in November 2013 has altered the coherence of the TTP’s decision making. There was a problem of succession within the TTP after Hakimullah’s killing; the leadership ultimately went to Mullah Fazlullah, who at that time was heading the Swat Taliban. He is neither a Mehsud nor belongs to any other tribal groups of Waziristan. With the core of TTP fighters primarily belonging to the Mehsuds and from Waziristan in the FATA, the ascendancy of Mullah Fazlullah (belonging to the Yusufzai tribe from the settled districts Khyber Paktunkwa and not from FATA) seems to have upset the internal balance of the TTP. [...] Thus, there has been a spate of divisions within the TTP during 2014. While the divisions are obvious and apparent, the causes and factors behind them are not so evident. As explained above, it can only be conjectured.” (IPCS, January 2015, pp. 4-5)

The IPCS gives the following overview of the connections between the TTP, Al Qaeda and the Afghan Taliban:

“To understand the fine difference between the Afghan Taliban and the al Qaeda, and its impact on the TTP, one has to go back to the origin of the formation of the TTP. Though the TTP owed its allegiance to the Afghan Taliban when it was formed and considered Mullah Omar as its Amirul Momineen, the al Qaeda played a crucial role in the formation of Pakistani Taliban. Despite the allegiance to Afghan Taliban and Mullah Omar, the Mehsuds were more influenced by the al Qaeda. It was no coincidence that the Mehsuds welcomed the al Qaeda components from Central Asia and the Arab world and provided them shelter. It was also no coincidence that the TTP went after Pakistani security forces, when the latter was dismantling the al Qaeda network under American pressure. The TTP under the leadership of the Mehsuds were more closely knit with the al Qaeda for operational and financial support, though ideologically professed support to the Afghan Taliban.” (IPCS, January 2015, p. 6)

The Pak Institute for Peace Studies (PIPS) mentions so-called “local Taliban”, referring to them as “groups that are loosely connected with the TTP or formed with similar objectives. Many criminal elements also use this label. Most of these groups are small and their operations limited only to their respective vicinities. These groups are active in Peshawar valley districts in KP” (PIPS, 5 January 2016, p. 54, note 3). In its report for 2015 the PIPS attributes the following attacks to so-called local Taliban groups:

“The small militant groups in KP and FATA, described as the local Taliban carried out 56 terrorist attacks in 2015. The activities of such groups have been decreasing,

but random and low-intensity attacks cause major human sufferings. These groups killed 44 civilians and security personnel, mainly in KP. Independent security analysts believe the military operations in Khyber and Mohmand agencies have shrunk the space for these militants. These militants used to escape back to safer areas in the Khyber Agency, after carrying out attack in Peshawar valley, and now, they are unable to carry out attacks with previous momentum.” (PIPS, 5 January 2016, p. 11)

As for the TTP, the PIPS provides the following overview of attacks conducted by the group during the year 2015:

“In 2015, Tehreek-e-Taliban Pakistan (TTP) remained the major actor of instability, carrying out 212 terrorist attacks across the country. This terrorist group has been weakened to a great extent from the military operations in North Waziristan. Now, the TTP has operational bases on the other side of the border in Afghanistan. Still, the TTP managed 12 cross-border attacks from Afghanistan. The targets and tactics the group adopted in 2015, shows that it still holds the operational capabilities to launch attacks inside Pakistan. In 2015, the TTP terrorist attacks remained concentrated in FATA, KP and Karachi. In KP and FATA, the TTP carried out 11 attacks on former members of peace committees. The group was also involved in 50 small- and medium-scale armed clashes and encounters, with security forces across Pakistan, which caused 290 killings from the both sides.” (PIPS, 5 January 2016, p. 10)

In January 2016, the Tokyo-based current affairs magazine *The Diplomat* reports that “more than 60 people have already lost their lives in terror-related incidents. The Pakistani Taliban’s name has resurfaced again, which has renewed existing concerns that the Taliban insurgency – even if reduced – has survived and retained its previous ability to strike back”. (*The Diplomat*, 28 January 2016). In its country report on terrorism covering the year 2015, the USDOS notes that the TTP possesses the strength of “[s]everal thousand” (USDOS, 2 June 2016, chapter 6).

### *3.1.2 Lashkar-e-Islam (LI)*

In March 2015, the Pakistani newspaper *Dawn* reports that the banned Lashkar-e-Islam (LI) has merged itself into the Tehreek-e-Taliban Pakistan (TTP) (*Dawn*, 13 March 2015). The Pak Institute for Peace Studies (PIPS) refers to this *Dawn* article in its annual report for 2015, elaborating that LI, which is led by Mangal Bagh, “has announced its merger into the TTP in 2015, in what was a part of ‘reconciliation efforts’ within tribal militants. Despite the merger, LI independently accepted the responsibility of 27 incidents of violence in Khyber Agency and suburbs of Peshawar” (PIPS, 5 January 2016, p. 11).

In a 2010 analysis, the Combating Terrorism Center (CTC), a research and education institution in New York which aims to inform counterterrorism policy and strategy, gives the following analysis of Lashkar-e-Islam in Pakistan’s Khyber Agency. The paper is to a large extent based on personal interviews with staff of the Political Agent of Khyber Agency as well as senior police officials in Peshawar and “a Peshawar-based journalist who requested anonymity”. The CTC report notes that Lashkar-e-Islam (LI) was founded in 2004 under “a radical tribal preacher”

named Mufti Munir Shakir. LI was reportedly later taken over by Mangal Bagh Afridi and “under Mangal Bagh’s leadership, LI became the most significant and organized militant group operating in Khyber” (CTC, 1 October 2010). The CTC gives the following overview of the rise of the LI and its developing relations with the TTP:

“Until 2008, Mangal Bagh tended to portray LI as merely a reformist organization fighting against criminals such as drug traffickers, gamblers, kidnappers and car thieves in the Bara area. This paradigm shifted in 2008. In that year, the TTP began establishing its hold on the area, and the number of attacks on NATO supply convoys rose significantly. Due to Western pressure on the state, the Pakistani government banned AMNAM [Amr bil Maroof wa Nahi Anil Munkar (Promotion of Virtue and Prevention of Vice)], LI and AI [Ansar-ul-Islam] , and it launched military operations against these groups. Since then, there have been four major operations by the state in the area, titled: Darghlum, Baya Darghlum, Sirat-e-Mustakeem, and Khwakh Ba De Shum. Despite these operations, the state did not initially believe that LI had genuine linkages to the TTP, as the first three operations did not seriously target Mangal Bagh and his group.

Indeed, Bagh rebuffed several offers from the TTP to merge with his group before 2008. He remained independent even during the major Sirat-e-Mustakeem government operation in June 2008, which directly targeted LI. Although during this time LI fit into the paradigm of Talibanization by shutting down music shops and even abducting Christians from Peshawar, the group did not engage in widespread terrorist attacks against the state, and it did not conduct suicide operations.

For the TTP, securing a positive relationship with a group in Khyber was important for its strategic objectives. Gaining operational movement in Khyber would allow it to effectively disrupt NATO supplies to Afghanistan, which transit through Torkham in the Khyber Pass. [...]

The military operations appeared to do the TTP’s work for them, as the offensives were instrumental in pushing LI into the arms of the Taliban. After the Sirat-e-Mustakeem operation, it appears that Bagh moved closer to the TTP in the latter half of 2008. [...]

In the end, the TTP managed to secure its position in Khyber by improving relations with LI, the agency’s largest faction. Authoritative sources have cited the close symbiotic relationship between LI and the TTP, including reports that LI is using TTP suicide trainers such as Said Noor to train its fighters. [...]

Today, LI apparently pays recruits a monthly salary, and it offers free meals to convince fighters to join its ranks. [...] The group raises funds by levying taxes on vehicles traveling through Khyber, or by smuggling goods. It also earns money through receiving protection funds from embattled minority groups in Khyber, such as the Sikhs. Nevertheless, Pakistani authorities argue that even these funding methods do not fully account for the group’s affluence.” (CTC, 1 October 2010)

The CTC concludes that “LI, which did not get its start as a terrorist group, has now become a terrorist organization allied with the TTP, a startling development for any observer of the evolution of militant groups in Pakistan” (CTC, 1 October 2010). It continues to explain:

“This is an exact replication of the process that occurred in Swat, when Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (TNSM) militants joined the Taliban. LI resorted to terrorism after operations were initiated against it, notwithstanding the fact that it openly challenged the writ of the state in Khyber by coercing local officials, closing schools, conducting kidnapping for ransom, among other expressions of extremism. The TTP was a logical ally because of their tactical linkages, and this relationship allowed LI to sideline competing organizations in the agency.” (CTC, 1 October 2010)

In December 2014, the National, a government-owned English-language daily newspaper published in the United Arab Emirates, reports that “[s]ince November [2014], troops supported by warplanes and helicopter gunships have targeted camps of Lashkar-e-Islam, a faction that has virtually ruled the Bara and Tirah Valley areas of Khyber since Islamist militants launched an insurgency against the Pakistani government in 2007”. The TTP and the LI “clashed frequently until the military offensive forced the Lashkar-e-Islam leader, Mangal Bagh Afridi, to seek help from TTP chief Mullah Fazlullah”. The article also notes that in return, the LI reportedly supported the TTP’s attack on the army-run school in Peshawar on 16 December 2014 (The National, 21 December 2014), which killed at least 148 people, including 132 schoolchildren (The Diplomat, 15 December 2015).

In February 2016, the quarterly international affairs journal World Affairs reports that Zakir Qamberkhel, who “was said to be the second-in-command” of Lashkar-e-Islam, has been killed in a drone strike in Afghanistan”. (World Affairs, 16 February 2016)

### *3.1.3 Punjabi Taliban*

The Institute of Peace and Conflict Studies (IPCS) describes the Punjabi Taliban as “a powerful section of erstwhile sectarian militants from Punjab” (IPCS, January 2015, p. 8). The IPCS further gives the following overview of the Punjabi Taliban:

“When FATA became the centre of jihadi activity following 9/11 (and the displacement of the Afghan Taliban and al Qaeda into Pakistan’s tribal regions), many militants from Punjab moved to fight along with the Taliban and al Qaeda.

Improvement of bilateral relations with India during 2004-08 and Musharraf trying to ‘close the tap’ of militants pouring into J&K did have an impact on the above movement. Many of those who have been fighting along with the Jaish-e-Mohammad and its multiple earlier avatars, became restless within Punjab and started moving towards FATA. The sectarian militants, who also had close links with the Jaish joined this new ‘look west’ movement of jihadis from Punjab towards (and at times even across) the Durand line.

The exodus of sectarian militants into FATA and becoming a part of the Pakistani Taliban subsequently had three alarming effects in the TTP’s attacks. First, the FATA

region witnessed more sectarian attacks, especially in Kurram and Orakzai Agencies. Second, the sectarian militants from west of the Indus started becoming the Punjabi Taliban, thereby providing the much needed reach for the TTP leadership in Waziristan to carry out attacks in heartland Pakistan. Third, either deliberately or inadvertently, the TTP's agenda due to the presence of Punjabi militants also got 'sectarianised'. Worse, the sectarian agenda within Pakistan got expanded, bloody and extremely violent. [...] Return of the Punjabi militants from the tribal regions to the mainland (especially Punjab) will pose a bigger threat to Pakistan." (IPCS, January 2015, pp. 8-9)

According to the Jamestown Foundation, an independent, nonpartisan, nonprofit organization that provides information on terrorism, "Al-Qaeda and the TTP have a network of Islamist militant groups based in mainland Pakistan (four provinces and Islamabad Capital Territory), commonly known as 'Punjabi Taliban'. These groups are proscribed organizations under Pakistani laws, but still manage to operate under different names. Some of these include Harkat ul-Jihad-e-Islami (HuJI), Harkat ul-Mujahideen (HuM), Lashkar-e-Jhangvi (LeJ), Jaysh-e-Muhammad (JeM) and Lashkar-e-Taiba (LeT)" (Jamestown Foundation, 10 July 2015). The Belgium Office of the Commissioner General for Refugees and Stateless Persons (CGRS-CEDOCA) provides the following brief overview of the Punjabi Taliban:

"It is not totally clear if the Punjabi Taliban is part of the TTP or is an independent organisation. The most influential group of the Punjabi Taliban is led by Maulana Asmatullah Muawiya. But there are several groups who were found facilitating TTP, al-Qaeda and LeJ. In 2014 the Punjabi Taliban claimed responsibility for only two terrorist attacks. In September 2014, Muawiya first intended to shift his militant activities from Pakistan to Afghanistan, and some days later announced he would give up armed struggle in Pakistan entirely." (CGRS-CEDOCA, 18 April 2016, pp. 15-16)

In September 2014, the Pakistani newspaper Dawn reports about the Punjabi Taliban's announcement to give up armed resistance in Pakistan:

"The Punjabi Taliban militant group on Saturday announced that it was giving up its armed struggle in Pakistan, and would now pursue the implementation of Shariah in the country through peaceful means. In a newly released video message and a written statement, a copy of which was received by Dawn.com, Punjabi Taliban Chief Ismatullah Muawiya said that after consultation with the Ulema, and given the prevailing situation in Pakistan, the organization was ending its armed struggle within the country, limiting its use of force to 'infidel forces'. Ismatullah Muawiya had only a few days ago announced the group would limit its activities to Afghanistan, and today's announcement is of great significance as it appears to mark the end of the anti-Pakistan armed struggle of the largest Taliban group, in terms of sheer numbers. The faction had been active in Punjab, the political power base of Prime Minister Nawaz Sharif and the Pakistan Muslim League-Nawaz (PML-N)." (Dawn, 13 September 2014)

The annual report of the Pak Institute for Peace Studies (PIPS) for the year 2014 writes the following on past activities of the Punjabi Taliban:

“The Punjabi Taliban claimed responsibility for only two terrorist attacks in 2014. The most influential Punjabi Taliban group led by Maulana Asmatullah Muawiya announced to shift its militant activities from Pakistan to Afghanistan, and some analysts believe that this contributed to fewer attacks in Punjab. But there are many groups operating in Pakistan which are tagged as Punjabi Taliban and in previous years, such groups were found facilitating the TTP, Al-Qaeda and LeJ in their operations. There is no evidence available to suggest that the nexus within these terrorist groups has been weakened.”(PIPS, 6 January 2015, p. 12)

The most recent yearly security report from PIPS, covering the year 2015, does not mention the Punjabi Taliban (PIPS, 5 January 2016).

### 3.2 Afghan Taliban

The US non-profit think tank American Foreign Policy Council (AFPC) published a World Almanac of Islamism for the year 2014, which gives the following information on the Afghan Taliban in Pakistan:

“Pakistan’s military and intelligence services (particularly the Inter-Services Intelligence Directorate, or ISI) historically have had close ties with the Afghan Taliban, which ruled Afghanistan from 1996–2001. Before the terrorist attacks of September 11, 2001, the Pakistani government openly supported and recognized Taliban rule in Afghanistan. Although Pakistani officials largely disagreed with the Taliban’s harsh interpretation of Islam, they viewed the Taliban as their best chance to achieve their own strategic objectives in the region. Pakistan continued to support the Taliban into the late 1990s, long after Osama bin Laden took refuge there in 1996 and despite the growing problems that it created in Islamabad’s relations with Washington. Pakistan’s high-stakes policy vis-à-vis the Taliban derived from its aims of denying India, as well as Iran and the Central Asian countries, a strong foothold in Afghanistan and ensuring a friendly regime in Kabul that would refrain from making territorial claims on Pakistan’s Pashtun areas along the Pakistan-Afghanistan border. Despite pledging to break ties with the Taliban after the U.S. invasion of Afghanistan in 2001, Islamabad failed to crack down forcefully on Afghan Taliban leaders or to actively disrupt their activities in Pakistan. Indeed, U.S. officials have acknowledged that officials within Pakistan’s Inter-Services Intelligence (ISI) directorate maintain relationships with Afghan Taliban leaders and see benefits in keeping good ties with the Taliban in the expectation that the Taliban will again play a role in Afghan politics.” (AFPC, 14 July 2014, pp. 2-3)

BBC News gives the following overview of the Afghan Taliban:

“A predominantly Pashtun movement, the Taliban came to prominence in Afghanistan in the autumn of 1994. It is commonly believed that they first appeared in religious seminaries - mostly paid for by money from Saudi Arabia - which

preached a hard line form of Sunni Islam. The Taliban's promise - in Pashtun areas straddling Pakistan and Afghanistan - was to restore peace and security and enforce their own austere version of Sharia, or Islamic law, once in power. [...] Pakistan has repeatedly denied that it was the architect of the Taliban enterprise. But there is little doubt that many Afghans who initially joined the movement were educated in madrassas (religious schools) in Pakistan. Pakistan was also one of only three countries, along with Saudi Arabia and the United Arab Emirates (UAE), which recognised the Taliban when they were in power in Afghanistan from the mid-1990s until 2001." (BBC News, 26 May 2016)

The same article refers to recent developments that saw two leaders of the Afghan Taliban killed:

"In September 2015, the Afghan Taliban said they had put aside weeks of infighting and rallied around a new leader in the form of Mullah Mansour, who had been the deputy of longstanding leader Mullah Omar. The previous month the Taliban admitted they had covered up Mullah Omar's death for more than two years. Mullah Mansour was killed in a US drone strike in May 2016 and replaced by his deputy Mawlawi Hibatullah Akhundzada, a hardline religious scholar." (BBC News, 26 May 2016)

### *3.2.1 Haqqani Network (HQN)*

In its country report on terrorism covering the year 2015, the US Department of State (USDOS) provides the following overview of the foundation, membership and funding of the Haqqani Network:

"Designated as a Foreign Terrorist Organization on September 19, 2012, the Haqqani Network (HQN) was formed in the late 1970s, around the time of the then-Soviet Union's invasion of Afghanistan. HQN's founder Jalaluddin Haqqani established a relationship with Usama bin Laden in the mid-1980s, and joined the Taliban in 1995. After the fall of the Taliban in Afghanistan in 2001, Jalaluddin retreated to Pakistan where, under the leadership of Jalaluddin's son Sirajuddin Haqqani, the group continued to direct and conduct terrorist activity in Afghanistan. In July 2015, Sirajuddin Haqqani was appointed a Deputy leader of the Taliban. [...]

HQN is believed to have several hundred core members, but it is estimated that the organization is also able to draw upon a pool of upwards of 10,000 fighters. HQN cooperates closely with the larger Afghan Taliban and draws strength through cooperation with other terrorist organizations operating in Afghanistan, including al-Qa'ida and Jaish-e Mohammad. [...]

In addition to the support it receives through its connections to other terrorist organizations, HQN receives much of its funds from donors in Pakistan and the Gulf, as well as through criminal activities such as kidnapping, extortion, smuggling, and other licit and illicit business ventures." (USDOS, 2 June 2016, chapter 6)

The World Almanac of Islamism published by the AFPC includes an overview of the Haqqani Network:

“Jalaluddin Haqqani is a powerful independent militant leader whose followers operate in the border areas between Khost in Afghanistan and North Waziristan in FATA. [...] The source of the Haqqanis’ power lies primarily in their ability to forge relations with a variety of different terrorist groups (al-Qaeda, the Afghan Taliban, the Pakistani Taliban, and India-focused groups like the Jaish-e-Muhammed), while also maintaining links to Pakistani intelligence. Pakistani military strategists view the Haqqani network as their most effective tool for blunting Indian influence in Afghanistan. [...] U.S. officials have appealed to Pakistani leaders to crack down on the Haqqani network, but have been rebuffed with declarations that the Pakistani military is over-stretched and incapable of taking on too many militant groups at once.” (AFPC, 14 July 2014, pp. 4-5)

In November 2014, the Pakistani newspaper Dawn provided information on Sirajuddin Haqqani:

“The group is currently headed by Sirajuddin Haqqani, one of the sons of veteran Afghan jihadi commander Jalaluddin Haqqani. He is one of the most powerful commanders in the region and maintains good relations with Al Qaeda and the TTP. [...] The group has been silent on their view of the Pakistani state, however when questioned about the TTP, Sirajuddin Haqqani is on record as saying that he does not have differences with his ‘brothers’. Their future plans focus on the reinstatement of the Taliban government in Afghanistan.” (Dawn, 4 November 2014)

In May 2016, the New York Times (NYT) describes the cooperation between the Taliban and the Haqqani network and its consequences:

“The closer integration of the feared Haqqani militant network into the leadership of the Taliban is changing the flow of the Afghan insurgency this year, with the Haqqanis’ senior leader increasingly calling the shots in the Taliban’s offensive, Afghan and American officials say. [...] Now, the group’s growing role in leading the entire insurgency has raised concerns about an even deadlier year of fighting ahead, as hopes of peace talks have collapsed. The shift is also raising tensions with the Pakistani military, which American and Afghan officials accuse of sheltering the Haqqanis as a proxy group.” (NYT, 7 May 2016)

### 3.3 Sectarian groups

#### 3.3.1 *Sipah-e-Sahaba Pakistan (SSP)*

According to the international human rights organization Minority Rights Group International (MRG), the “Sipah-e-Sahaba (SSP) was formed with the main objective of aggressively promoting Sunni Islam”. After being banned in 2002, it resurfaced with the new name Ahl-e Sunnat Wal Jama’at (ASWJ) but was subsequently banned again in 2012 (MRG, 11 June 2014, p. 2). The Carnegie Endowment for International Peace, a US global

network of policy research centers in Russia, China, Europe, the Middle East, India and the United States, gives the following overview of the Sipah-e-Sahaba Pakistan (SSP) in April 2014:

“The Sipah-e-Sahaba Pakistan (SSP), a sectarian organisation created in Jhang (central Punjab) to counter the new Shi’i assertiveness resulting from the Iranian revolution with the acceptance (and later support) of the regime, transformed what were essentially economic and social grievances into outright hatred of the Shia. The SSP provided these discontented people with a political platform and access to the political arena. It has been carrying out attacks against Shi’i since 1985 and has occasionally clashed with Barelvi groups. It is no coincidence that Jhang, where Shia landowners have traditionally held political power, became the first city to fall prey to sectarian violence in the mid-1980s in an effort to dislodge the traditional power holders. The SSP was created as an instrument to fulfill this objective. The SSP is now operating under the name Ahle Sunnat Wal Jamaat (ASWJ) and led by Ahmed Ali Ludhianvi.” (Carnegie Endowment for International Peace, 9 April 2014)

The International Crisis Group (ICG) refers to newspaper articles as well as to interviews with for example law-enforcement officials and police officials conducted by the ICG itself, when analysing the relations between the sectarian anti-Shia group Sipah-e-Sahaba and the Lashkar-e-Jhangvi (for an overview of the Lashkar-e-Jhangvi also see the next subheading below). It states that “[t]o provide plausible deniability and enable its own participation in electoral politics in southern Punjab, Pakistan’s first major radical anti-Shia Deobandi group, Sipah-e-Sahaba Pakistan (SSP), created a separate faction in 1996, Lashkar-e-Jhangvi, which was used to provoke and conduct anti-Shia violence” (ICG, 30 May 2016, p. 3). Therefore, the SSP, “a radical Deobandi group and Lashkar-e- Jhangvi’s parent organization”, renamed Ahle Sunnat Wal Jamaat (ICG, 30 May 2016, p. 26). The South Asia Terrorism Portal (SATP) also links the SSP and the LeJ, providing the following analysis:

“Both the SSP and LeJ maintain that they are not organisationally linked. But, few analysts of the sectarian conflict in Pakistan believe this to be true. Their cadres come from the same madrassas as also a similar social milieu. The SSP leadership has never criticised the Lashkar-e-Jhangvi because the two organisations share the same sectarian belief system and worldview. They also have a similar charter of demands, which includes turning Pakistan into a Sunni state. Both the outfits have consistently resorted to violence and killings to press their demands, though the SSP has also been attempting to adopt a political path.” (SATP, undated (b))

### *3.3.2 Lashkar-e-Jhangvi (LeJ or LJ)*

The Pakistani newspaper Dawn provides the following description of the Lashkar-e-Jhangvi (LJ or LeJ) in November 2014:

“An offshoot of the Sipah-i-Sahaba Pakistan (SSP), the virulently sectarian LJ was formed in 1996. Its founders Riaz Basra, Akram Lahori and Malik Ishaq had differences with the SSP and believed that the parent organisation had drifted from

its original ideals. LJ's primary targets are Shia Muslims and it has indiscriminately targeted them through both assassination and mass casualty attacks. The LJ has killed thousands of people, including many women and children. [...] LJ leaders say their aim is to turn Pakistan into a Sunni Islamic state and consider it a 'priority' to target Shia Muslims. The group also seeks to establish stronger ties with anti-Iran groups operating in the region." (Dawn, 4 November 2014)

The May 2016 analysis from International Crisis Group (ICG) also writes about the Lashkar-e-Jhangvi, providing insights into financing and membership strengths of the group:

"Carrying out hundreds of attacks on Shias, the southern Punjab-based LeJ was funded by wealthy donors from urban/industrial centres countrywide, as well as from the Middle East, including Saudi Arabia and other Gulf countries. Brutally suppressed by Nawaz Sharif's second Pakistan Muslim League-Nawaz (PML-N) government (1997-1999), its activities subsided, and its leadership took refuge in Taliban-controlled Afghanistan.

LeJ marked its re-emergence under General Pervez Musharraf's military regime with the May 2002 car bomb outside Karachi's Sheraton Hotel that killed fourteen, including eleven French engineers. It was also reportedly involved in the January 2002 abduction of Wall Street Journal correspondent Daniel Pearl, who was held and beheaded by al-Qaeda operatives. Both incidents, involving international targets, reflected the expansion of LeJ's anti-Shia agenda to an anti-Western one and the consolidation of its ties to al-Qaeda. While continuing to focus on targeting rival sects and religious minorities, particularly Christians, it became 'the lynchpin of the alignment between al-Qaeda, the Pakistani Taliban, and local sectarian groups'.

LeJ's modest core membership is anywhere between 500 and 1,000, and its operations are conducted by small groups, at times as few as two to three explicitly trusted members. These figures, however, exclude a large network of sympathisers, sustained by the mosque and madrasa sector, who both facilitate such attacks by providing on-the-ground intelligence and perpetuate sectarian divisions and anti-state sentiment. As LeJ has evolved and expanded beyond southern Punjab, including to Balochistan, FATA and, albeit to a lesser extent, Afghanistan, its formerly centralised structure has afforded far more autonomy to local commanders and factions, both in the interests of flexibility in planning and conducting attacks and to evade law-enforcement.

Since LeJ chief Malik Ishaq, who has yet to be replaced, was killed in a July 2015 extrajudicial police 'encounter', police officials claim that the leadership is under sustained pressure and in disarray. Yet, the group's extensive madrasa network continues to ensure a steady source of financing, recruits and sympathisers. Moreover, the ability to target witnesses, police, prosecutors, judges and other officials undermines efforts to bring its perpetrators to justice, symbolised by the

failure to prosecute Malik Ishaq on more than 40 murder cases, which resulted in his June 2011 release from detention.” (ICG, 30 May 2016, pp. 3-4)

Giving a more detailed account of the areas where the LeJ operates, the same ICG paper reports that “LeJ is primarily responsible for mass killings of Shias in sectarian hotbeds such as Jhang, Karachi and KPK, in particular Dera Ismail Khan, Hangu, and Kohat districts” (ICG, 30 May 2016, p. 4). Additionally, “the January 2015 bombing of a Shia mosque in Shikarpur district, killing 60, showed it has expanded its presence in northern Sindh”. The ICG also explains that “[i]n the southern Punjab context, it and other sectarian extremists are bent on destroying largely tolerant religious traditions. Not just Shias are targeted but also the region’s majority Barelvis and Sufis, who embrace a more syncretic form of Islam, with practices and rituals that Deobandis and Wahhabi/Salafis portray as heretic” (ICG, 30 May 2016, p. 5)

The Pak Institute for Peace Studies summarises the LeJ activities in the year 2015 in its annual report, giving the following overview:

“Lashkar-e-Jhangvi (LeJ) was found involved in 33 terrorist attacks across the country in 2015; these attacks were concentrated in Balochistan and Karachi. However, after the killing of LeJ leadership, including its head Malik Ishaq and Ghulam Rasool Shah in an encounter with Counter Terrorism Department of Punjab on July 28 in Muzaffargarh district, there was a reduction in sectarian-related terrorist attacks during the last two quarters of the year.” (PIPS, 5 January 2016, p. 11)

The South Asia Terrorism Portal (SATP) points out that both the Sipah-e-Sahaba (SSP) and the Lashkar-e-Jhangvi (LeJ) have close relations to the Taliban:

“The SSP and LeJ have very close links with the Taliban militia. They assisted the Taliban in every way they can both in Afghanistan and within Pakistan. They have fought alongside the Taliban militia in Afghanistan against the Northern Alliance. Besides, all three groups are closely linked in their fight against the Shias, be it in Afghanistan or in Pakistan. LeJ and SSP cadres reportedly played an active part in the massacres of Shias by the erstwhile Taliban regime in Afghanistan.” (SATP, undated (b))

In its terrorism monitor from July 2016, the Jamestown Foundation links the LeJ to Balochistan, providing the following information:

“After Pakistan joined the US ‘war on terror,’ the LeJ deliberately decentralized its structure. It divided into cells operating in different parts of Pakistan, including Baluchistan where a number of ethnic Baluch LeJ commanders came to prominence by carrying out successful attacks.” (Jamestown Foundation, 22 July 2016)

For information on Balochi groups, please see [section 3.7](#) of this compilation.

### 3.3.3 *Tehreek-e-Jaferia Pakistan (TJP)*

The South Asia Terrorism Portal (SATP) explains that the Tehreek-e-Jaferia Pakistan was formed in 1992 and that its main objectives are “the creation of a society based on ‘pure Islam’, the protection of social, political and religious rights of Shiites, the propaganda of Shiite ideas, coordination of all Pakistani Shiite organisations and the fight against imperialism” and that “[t]he outfit sources its finances from the Shiite community in Pakistan, Iran as well as certain commercial groups” (SATP, undated (c)). The SATP further gives the following description of the TJP:

“The Tehreek-e-Jaferia Pakistan, led by Allama Syed Sajid Ali Naqvi, is a well-organised outfit, which effectively represents the interests of the Shia community in Pakistan with a significant following in Jhang. In recent years, as a result of increased pressure from the Sunnis, the TJP has preferred to adopt a more reconciliatory and accommodating posture than in the past when it appeared more assertive and threatening vis-à-vis the government and Sunnis. The TJP has several affiliated organisations, including Sipah-e-Abbas, Sipah-e-Ahl-Bait and youth bodies like the Imamia Students Organisation and the Imamia Organisation, which are reported to play an active role.” (SATP, undated (c))

The Carnegie Endowment for International Peace describes the TJP in April 2014 as “a more minor organization” which “aims primarily at organising Shia resistance to Sunni extremism but is also involved in sectarian killing” and “has been banned twice but continues to operate under different names” (Carnegie Endowment for International Peace, 9 April 2014).

### 3.3.4 *Sipah-e-Mohammed Pakistan (SMP)*

The South Asia Terrorism Portal (SATP) gives the following overview of the foundation of Sipah-e-Muhammad Pakistan (SMP) which is closely linked to developments in the Tehreek-e-Jaferia Pakistan (TJP) and was reportedly founded in opposition to the Sunni group Sipah-e-Sahaba (SSP) (for a description of the SSP, please refer to [section 3.3.1](#) of this compilation):

“To counter the Sunni militancy, the Shias formed Sipah-e-Muhammad Pakistan (SMP) in 1993. It is generally believed that Maulana Mureed Abbas Yazdani created it in 1993 after he was convinced that the TJP would not allow its young cadres to physically counter the SSP. The Shia youth had been asking the TJP to take notice of what they called excesses of the SSP whose members were alleged to be targeting some of the Shia’s beliefs. [...] Subsequently, the Sipah-e-Muhammad Pakistan (SMP), headquartered at Thokar Niaz Beg, was created out of the TJP reportedly by Maulana Mureed Abbas Yazdani in 1993 and it adopted a more militant stance against the SSP than the TJP would allow.” (SATP, undated (c))

In its yearly report, the Pak Institute for Peace Studies (PIPS) gives the following overview of security incidents that can be traced to the SMP in 2015:

“Shia sectarian group Sipah-e-Muhammad Pakistan (SMP) carried out 19 terrorist attacks in 2015, mainly targeted killings. Karachi is the major operation base of the group, where it managed 12 attacks last year. Peshawar emerged its second

focused area, where the group launched four attacks in 2015.” (PIPS, 5 January 2016, p. 12)

### 3.4 Anti-India oriented jihadist groups

#### 3.4.1 *Hizb-ul-Mujahideen (HM)*

The South Asia Terrorism Portal (SATP) writes that “[o]f the outfits currently operating in Jammu and Kashmir (J&K), the Hizb-ul-Mujahideen (HM) is the one of the largest, with a cadre base drawn from indigenous and foreign sources” and that the HM “is one of the most important terrorist outfits in terms of its effectiveness in perpetrating violence across the State at regular intervals” (SATP, undated, (e)). The SATP provides the following information on the formation of the HM:

“The HM came into being in the Kashmir Valley in September 1989 with Master Ahsan Dar as its chief. Dar was later arrested by security forces in mid-December 1993. It was reportedly formed as the militant wing of the Jamaat-e-Islami (Jel), an Islamist organisation. The Jamaat-e-Islami is reported to have set up the Hizb at the behest of the Inter Services Intelligence (ISI), Pakistan’s external intelligence agency, to counter the Jammu and Kashmir Liberation Front (JKLF), which had advocated complete independence of the State. Many of the early Hizb cadres were former JKLF members.” (SATP, undated (e))

GlobalSecurity.org, a US-based website covering military and security issues, writes that the HM “stands for the integration of J&K [Jammu and Kashmir] with Pakistan” and that “[s]ince its formation the HM has also wanted the islamization of Kashmir” (GlobalSecurity.org, page last modified 21 July 2016). GlobalSecurity.org reports the following on HM’s structure and areas of operation:

“Hizb-ul-Mujahideen is headquartered at Muzaffarabad in Pakistan occupied Kashmir (PoK), and with an estimated cadre strength of at least 1500, is presently headed by Syed Salahuddin. The patron of HM in PoK is Ghulam Nabi Nausheri. [...] Currently, the HM is organised into five divisions: central division for Srinagar, northern division for Kupwara-Bandipora-Baramulla, southern division for Anantnag and Pulwama districts, Chenab division for Doda district and Gool in the Udhampur district, and Pir Panjal Division for the Rajouri and Poonch districts. The Hizb reportedly has a substantial support base in the Kashmir Valley and in the Doda, Rajouri, Poonch districts and parts of Udhampur district in the Jammu region. The HM has conducted a number of operations against Indian military targets in Jammu and Kashmir. The group also occasionally strikes at civilian targets in Jammu and Kashmir but has not engaged in terrorist acts elsewhere.

The HM is closely linked to the Jamaat-e-Islami, both in the Kashmir Valley and in Pakistan. Overseas, it is allegedly backed by Ghulam Nabi Fai’s Kashmir American Council and Ayub Thakur’s World Kashmir Freedom Movement in the USA. The HM had established contacts with Afghan Mujahideen groups such as Hizb-e-Islami, under which some of its cadre is alleged to have received arms training in the early 1990s. The HM is reported to have a close association with the Pakistani Inter

Services Intelligence and the United Jihad Council, and other terrorist organizations operating out of Pakistan. Hizb chief Syed Salahuddin also heads the UJC.” (GlobalSecurity.org, page last modified 21 July 2016)

In July 2015, the Reuters news agency reports that the HM “said it had expelled Abdul Qayoom Najar over his involvement in ‘gruesome murder’ and the ‘character assassination of established pro-freedom leadership’” and that “Indian security forces say Najar leads a breakaway group called Lashkar-e-Islam that carried out a series of recent attacks around the town of Sopore, killing five telecoms workers and vendors” (Reuters, 24 July 2015). For more information on Lashkar-e-Islam (LI) please refer to [section 3.1.2](#) of this compilation.

In July 2016, the Guardian reports that “Burhan Wani, chief of operations of Indian Kashmir’s largest rebel group, Hizbul Mujahideen, was killed in fighting” (The Guardian, 9 July 2016). According to the BBC “[m]ilitant leader Burhan Wani’s death in a gun battle with government forces in Indian-administered Kashmir has sparked days of deadly violence” (BBC News, 11 July 2016). Radio Free Europe/Radio Liberty (RFE/RL) also reports about the violent protests after the killing of Burhan Wani in July 2016, stating that “[a]round 35 people have been killed and more than 3,000 have been injured during protests in recent days, the worst outbreak of violence in the territory in six years”. According to RFE/RL, the “Pakistani Prime Minister Nawaz Sharif said he was ‘shocked’ at Wani’s killing, prompting Indian officials to express dismay at what they described as an attempt to ‘interfere in our internal affairs’” (RFE/RL, 16 July 2016).

### *3.4.2 Lashkar-e-Taiba (LeT)*

The Center for Security Studies (CSS), a research centre on security policy that is based at the Swiss Federal Institute of Technology in Zurich, published the following overview of Lashkar-e-Taiba (LeT) in 2013:

“LeT was created on 22 February 1990 as the armed wing of a proselytising organisation based in Pakistan’s Punjab province. Known as the Markaz Da’wa wal-Irshad (MDI – Centre for Preaching and Guidance), this organisation subscribed to the Ahl-i Hadith school of Muslim jurisprudence. The Ahl-i Hadith had commonalities with the Wahhabis of Saudi Arabia and with other strains of puritanical or ‘Salafist’ Islamist thought. [...] From its inception, LeT had a close ideological kinship with al-Qaida. The Arab group donated US\$ 2 million for the construction of LeT’s headquarters and main training complex, situated near the Pakistani city of Lahore. Both groups set out to build a name for themselves in the international jihadist community by providing quality instruction in military tactics to a new generation of jihadists, who were expected to fight in “wars of liberation” across the world. They developed similar syllabi and even had common trainers. However, their respective ethnic compositions caused their operational priorities to differ. Al-Qaida was focused on promoting regime change in the Middle East, since it saw control of the Arab world as key to establishing a Caliphate. LeT, in keeping with its Pakistani roots, was primarily focused on leading a Muslim reconquest of India – a country that, its leaders asserted, had historically been part of the Muslim realm before Western colonisation. Each group trained its cadres for

subversive activities in its primary target area. [...] The main reason for LeT's growth after 1990 was the protection and assistance it received from the Pakistani army and the Inter Services Intelligence (ISI), respectively. LeT understood that the Pakistani military establishment was keen to wage a proxy war in Indian Kashmir." (CSS, April 2013, p. 2)

The Pakistani daily newspaper Dawn provided a profile of the LeT in 2014 also writing about a charity called Jamat-ud-Dawa and its alleged relations to the LeT. Dawn gives the following overview of LeT aims and ambitions:

"Formed in the early 90s in Afghanistan, the group has been primarily operating in Indian-held Kashmir. It seeks to 'liberate' the people of Kashmir from 'Indian oppression' and establish an Islamic state in the region. It sees India, the United States and Israel as eternal enemies of Islam and boasts about defeating them through armed struggle. Hafiz Muhammad Saeed, the head of Jamat-ud-Dawa denies that his charity is simply a cover for the banned militant outfit. However the lower cadre not only acknowledges their connection with LeT but proudly boast about their operations in India. In line with their particular brand of Salafism, the organisation is strongly opposed to rebellion against the Pakistani state. Members of the group say they are bracing themselves for the Ghazwa-i-Hind — a grand war in which Muslims will regain control of India, they claim." (Dawn, 4 November 2014)

The American Foreign Policy Council (AFPC), a US non-profit think tank which strives to inform policy of the United States, similarly refers to Jamat-ud-Dawa as the social welfare wing of LeT:

"The LeT has put down roots in Pakistani society, especially in central and southern Punjab, through its social welfare wing, the Jamaat-ud-Dawa (JuD), which runs schools and medical clinics. The headquarters of the LeT/JuD is a 200-acre site outside Lahore in the town of Muridke." (AFPC, 14 July 2014, p. 6)

The Jamestown Foundation, an institute for research and analysis based in Washington DC, reports that "in December 2015, LeT commander Abu Qasim was killed in Kulgam in a joint operation between the military and the police, and 30,000 people attended in his funeral. Residents observed a three-day shut down to protest his killing by the security forces and villagers from Kakapora, Khandaypora and Bugam". According to the Jamestown Foundation, the high attendance at the funeral is a sign that "civilian support for Kashmir's militants—even Pakistani factions—appears to have intensified". (Jamestown Foundation, 15 April 2016)

The South Asia Terrorism Portal (SATP) points out, however, that "the LeT's professed ideology goes beyond merely challenging India's sovereignty over the State of Jammu and Kashmir" (SATP, undated a). It gives the following information on the aims of the organization:

"The Lashkar's 'agenda', as outlined in a pamphlet titled 'Why are we waging jihad' includes the restoration of Islamic rule over all parts of India. Further, the outfit seeks to bring about a union of all Muslim majority regions in countries that surround Pakistan. Towards that end, it is active in J&K, Chechnya and other parts of Central Asia." (SATP, undated (d))

In its World Almanac of Islamism for the year 2014, the American Foreign Policy Council (AFPC) writes about what it refers to as the LeT's "well-known links" to international terrorism. According to the AFPC, "[i]n the last several years [...] as the Taliban has regained influence in Afghanistan, the LeT has supported the insurgents by recruiting, training, and housing fighters and facilitating their infiltration into Afghanistan from the tribal areas of Pakistan" (AFPC, 14 July 2014, p. 6). The USDOS writes in its country report on terrorism covering the year 2015 that the „LeT has global connections and a strong operational network throughout South Asia. LeT maintains a number of facilities, including training camps, schools, and medical clinics in Pakistan" (USDOS, 2 June 2016, chapter 6).

### *3.4.3 Jaish-e-Mohammed (JeM)*

The American Foreign Policy Council (AFPC) indicates that the JeM followed a similar development pattern as the LeT described above, writing that "[g]roups like the Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM – formerly the Harakat-ul-Ansar) focused their attacks throughout the 1990s on Indian security forces in Jammu and Kashmir but now conduct attacks throughout India and target both Indian and Western civilians" (AFPC, 14 July 2014, p. 5). In 2014, the Dawn newspaper provided the following profile of the JeM:

“Jaish-e-Muhammad was formed in 2000 by Maulana Masood Azhar. Shortly after its inception, it effectively swallowed a previously existing but now largely defunct Harkat-ul-Mujahideen (HuM). Its primary goal is to ‘liberate’ Kashmir from Indian rule and it has carried out various attacks on Indian interests including the 2001 attack on Indian parliament. The group was banned by then President Pervez Musharraf and rebranded itself as Khuddam-ul-Islam. It continues to engage in open fundraising outside many Pakistani mosques on Fridays.” (Dawn, 4 November 2014)

The International Crisis Group (ICG) writes the following on the formation, aims, size, connections and alleged governmental support of the JeM in May 2016:

“Along with the central Punjab-based Lashkar-e-Tayyaba/Jamaat-ud-Dawa (LeT/JD), the southern Punjab-based Jaish is among the most important of anti-India oriented jihadist groups. In December 1999, five years after his arrest in Srinagar, the capital of Jammu and Kashmir, Jaish’s founder, Masood Azhar, then a leader of the Kashmir jihadist Harkat-ul Mujahideen, was freed from an Indian prison in exchange for passengers held hostage in the hijacking of an Indian Airlines flight that landed in Taliban-controlled Afghanistan. Though the Musharraf government vowed to arrest him on return to Pakistan, he travelled days after his release to Karachi where, addressing some 10,000 supporters, he called on Muslims not to rest ‘until we have destroyed America and India’. In February 2000, he formed the Jaish, with alleged support from the military’s intelligence agencies. [...]

Unlike LeT, the Jaish also has a domestic, jihadist agenda. Its manifesto specifies that in addition to jihad ‘against enemies of the faith’ (minorities), it is ‘working to bring back the Muslims to the door of Islam’. The group emerged from the same

sectarian pool as the LeJ and its parent organisation, SSP [Sipah-e-Sahaba]. Azhar, its founder, was closely affiliated to the SSP, as were many other leaders and operatives. A journalist who has extensively covered sectarian conflict in Pakistan described the SSP as ‘the umbrella political group while Jaish-e-Mohammed and Lashkar-e-Jhangvi represented the organisation’s [Kashmir] jihadi and domestic militant wings respectively’. [...]

Estimates of its size roughly tally with those of LeJ: core membership, according to some sources, is at most in the several hundreds, but like the LeJ, the small numbers are supported by a network of sympathisers whose ranks continue to swell via Deobandi madrasas and mosques. [...]

Ongoing state support is evident in the manner in which Jaish was allowed to resurface. Held responsible, with the LeT, by India for the 2008 Mumbai terror assault, Azhar kept a low profile for years but reappeared in January 2014. Despite an official ban on Jaish public activity, he held a large rally in Muzaffarabad, Pakistan-administered Kashmir’s capital, where he called for jihad against India. The foreign ministry spokesperson responded to Indian criticism by calling it a ‘one-time event’.” (ICG, 30 May 2016, pp. 5-6)

For information on the above-mentioned Sipah-e-Sahaba, please see [section 3.3.1](#) in this compilation.

In its country report on terrorism covering the year 2015, the USDOS notes that “JEM has at least several hundred armed supporters in Pakistan”. In regard to financing, the USDOS notes that “[t]o avoid asset seizures by the Pakistani government, since 2007 JEM has withdrawn funds from bank accounts and invested in legal businesses, such as commodity trading, real estate, and the production of consumer goods” and that “JEM also collects funds through donation requests in magazines and pamphlets, sometimes using charitable causes to solicit donations.”(USDOS, 2 June 2016, chapter 6)

## **3.5 International armed groups (globally oriented)**

### **3.5.1 Al-Qaeda (AQ)**

The USDOS country report on terrorism covering the year 2015 writes that “AQ was based in Afghanistan until Coalition Forces removed the Afghan Taliban from power in late 2001. Since then, the group’s core leadership is largely based in Pakistan’s Federally Administered Tribal Areas.” (USDOS, 2 June 2016, chapter 6) The Pakistani newspaper Dawn provides the following information on the foundation of Al-Qaeda and its involvement in Pakistan:

“Arguably the most dangerous out of all the jihadi groups, AQ is not just a conventional group but the fountainhead of a violent ideology. [...] While the organisation maintains a relatively low profile in Pakistan, it is behind much of the coordination between different jihadi groups in a bid to ‘channelise’ and ‘streamline’ the effort. In contrast with many other jihadi groups, the overwhelming majority of their cadres in Pakistan are university graduates hailing

from well-off urban families. Al Qaeda regards Pakistan as a 'Daar-ul-Kufr wal harb' (abode of disbelief and war). It classifies the rulers as 'apostates' against whom it is obligatory to rebel and fight. Al-Qaeda considers Shias as disbelievers 'in the garb of Islam'. As such, the militant organisation considers it permissible to shed the blood of Shia Muslims and confiscate their wealth. However on strategic grounds, the Al Qaeda chief has advised the operatives not to engage minority groups anywhere in a confrontation unless 'absolutely required' such as in Syria and Iraq." (Dawn, 3 February 2014)

The same article notes that "[f]ormally launched in 2007, the TTP is effectively Al Qaeda's local franchise in Pakistan" (Dawn, 3 February 2014).

The USDOS reports in its country report on terrorism covering the year 2015 that "[i]n September 2014, al-Zawahiri and other AQ leaders announced the establishment of Pakistan-based al-Qa'ida in the Indian Subcontinent (AQIS)" and that "[t]wo days after the announcement, two Pakistani warships were attacked in Karachi; AQIS took responsibility for the plot, which included commandeering missile systems to attack nearby American warships" (USDOS, 2 June 2016, chapter 6).

### *3.5.2 Islamic State (IS) (aka ISIL, ISIS, Da'ish)*

In January 2015, the Indian think tank Institute of Peace and Conflict Studies (IPCS) writes that "as of today, there is no clear indication that the ISIL [Islamic State of Iraq and the Levant] is attempting to recruit in Pakistan. It may do so in the future" (IPCS, January 2015, p. 8). The IPCS provides the following analysis when looking at militant groups in Pakistan in 2015:

"Within Pakistan, except for few individuals, and disgruntled militants, the multiple factions of Pakistani Taliban are strongly connected with either the Afghan Taliban or the al Qaeda. Perhaps, the Punjabi militants of the Taliban, who share the sectarian agenda of the ISIL may find the latter more appealing. Much would depend, how strong the military and the ISI [Inter Intelligence Service] in Pakistan responds to the ISIL threat; if the Establishment decides to make use of the phenomenon as it did with the al Qaeda to achieve narrow interests within the region, then there is a larger problem for everyone, starting with Pakistan." (IPCS, January 2015, p. 8)

A year later, in January 2016, the Tokyo-based current affairs magazine *The Diplomat* writes that the Islamic State of Iraq and Syria (ISIS) „has been actively looking for recruits in the country. A week ago, dozens of suspects across the country were detained by security agencies in connection with the group. Moreover, reportedly, the group has established regional chapters across the country" (*The Diplomat*, 28 January 2016). Also in January 2016, the Pakistani English-language daily newspaper *The Express Tribune* reports about a crackdown on a group of suspects with alleged links to IS noting that "[w]hile officials continue to deny organised presence of the Islamic State, also known by its Arabic acronym Da'ish, in Pakistan, at least 42 suspects with alleged links to the Middle Eastern terrorist group were detained over the weekend in Punjab" (*The Express Tribune*, 5 January 2016).

In February 2016, the Jamestown Foundation publishes an analysis about the IS presence in Pakistan, reporting that “[a]fter months of denying the Islamic State’s presence in Pakistan, the Pakistani government has finally acknowledged that the terrorist network, both as an inspiration and an organized group, is fast luring Pakistani jihadists into its fold” and that “Salafist jihadist organizations in Pakistan such as Lashkar-e-Taiba (LeT) as well as anti-Shia militant groups like Lashkar-e-Jhangvi (LeJ) may find a new inspiration in the Islamic State’s nascent rise” (Jamestown Foundation, 4 February 2016). The USDOS writes in its country report on terrorism covering the year 2015 that “[i]n 2015, ISIL claimed affiliates in the Afghanistan-Pakistan border (Khorasan) region” (USDOS, 2 June 2016, chapter 6).

### *3.5.3 Islamic Movement of Uzbekistan (IMU)*

A November 2014 article of the Dawn daily newspaper provides the following overview of the Islamic Movement of Uzbekistan (IMU) and its relations to Pakistan and Pakistani militant groups:

“The IMU was founded by Tahir Yuldashev and Jumma Kasimov (both Uzbeks) in 1991. The two had earlier fought in Afghanistan during the Soviet invasion of the country. The initial objective of the organisation was to topple Islam Karimov’s regime in Uzbekistan and to establish an ‘Islamic state’ in the country. They also fought alongside the Taliban against the Northern Alliance. Kasimov died in the fighting while Yuldashev, along with his fighters, managed to escape into Pakistan’s tribal areas during the 2001 US invasion of Afghanistan. IMU maintains strong contacts with Al Qaeda and Afghan Taliban as well as the TTP. For now, its focus remains on strengthening the group as it prepares for the war in Central Asia.” (Dawn, 4 November 2014)

In its country report on terrorism covering the year 2015, the US Department of State (USDOS) also writes that the IMU “has had a decade-long relationship” with al-Qa’ida, the Taliban and Tehreek-e Taliban Pakistan (TTP), but that recently the IMU has entered an alliance with Islamic State:

“In August 2015, IMU leader Usman Ghazi announced the group’s allegiance to the Islamic State of Iraq and the Levant. IMU’s leadership is based in Pakistan’s tribal areas and operates primarily along the Afghanistan-Pakistan border and in northern Afghanistan. Top IMU leaders have integrated themselves into the Taliban’s shadow government in Afghanistan’s northern provinces and have established training camps in the region. IMU members may have also traveled to Syria to fight with violent extremist groups.” (USDOS, 2 June 2016, chapter 6)

## **3.6 Nationalist insurgents**

### *3.6.1 Sindhu Desh Liberation Front (SDLF)*

In an analysis of Sindhi nationalists in Pakistan, the Pakistani daily newspaper Dawn writes that “nationalist groups remain as divided as ever, with some opting to shun the political process in favour of violent struggle in reaction to alleged persecution from the security establishment” (Dawn, 4 December 2014). According to the Pak Institute for Peace Studies (PIPS), the Sindhu

Desh Liberation Front (SDLF), which is led by Darya Khan Marri, is “an underground Sindhi separatist organization, which is considered an offshoot of Sindhi nationalist political parties Jeay Sindh Muttahida Mahaz (JSMM) and Jeay Sindh Tehreek (JST)” (PIPS, 5 January 2016, p. 13). Dawn writes with regard to the JSMM that it “believes in armed struggle” and though not being “that popular”, “during the last 10 years it has expanded its reach to universities”. There were reports about bomb blasts attributed to the JSMM by the police “at intervals in different parts of Sindh” and regularly reported “[n]ews of its young activists disappearing and later their mutilated bodies being found in deserted places” (Dawn, 4 December 2014). JSMM’s alleged offshoot, the Sindhu Desh Liberation Front (SDLF), has reportedly been involved in “6 small-scale terrorist attacks in 2015”, including “attacks on railway tracks, banks and inter-provincial transportation system in interior Sindh” (PIPS, 5 January 2016, p. 13).

Among the sources consulted no further information could be found regarding the Sindhu Desh Liberation Front.

### 3.7 Balochi groups

The Tokyo-based current affairs magazine *The Diplomat* gives the following brief insights into the circumstances surrounding armed uprisings in Balochistan:

“The Baloch live in a vast territory the size of France boasting enormous reserves of gas, gold and copper, as well as untapped sources of oil and uranium, yet one that is criss-crossed by the borders of Pakistan, Iran and Afghanistan. Islamabad’s exploitation of natural resources in the area, combined with repressive state-run policies, have led to five armed uprisings in the region since the territory was annexed by Pakistan in 1948.” (*The Diplomat*, 24 June 2015)

Ann Wilkens, member of the Afghanistan Analysts Network (AAN)’s Advisory Board and former Swedish ambassador to Pakistan and Afghanistan, gives the following overview of the Balochistan militant insurgency:

“During the course of the Pakistani Baloch insurgency, the militants among them have become increasingly secessionist and are now commonly referring to Pakistan as an occupying state, rather than a problematic homeland. In Pakistan, after the breakup of the original nation and the forming of Bangladesh in 1971, secessionist talk has been a trigger of existential anguish, and that may be one reason why intransigence rather than dialogue has been characteristic of the Pakistani state’s response to Baloch insurgencies. Moreover, although rooted in a more or less secular orientation, many militants are becoming increasingly radicalised in religious terms, in tune with a growing global movement of religious extremists transcending national borders.” (Wilkens, 16 November 2015)

#### 3.7.1 *The Balochistan Liberation Army (BLA)*

The Pak Institute for Peace Studies (PIPS) writes that “among Baloch separatist groups, Balochistan Liberation Army (BLA) remained the most lethal group in Balochistan in 2015, which carried out 88 terrorist attacks”. According to PIPS, the BLA is mainly operating in “Quetta, Bolan, Kech, Khuzdar and Kohlu districts in Balochistan” but “is also active in interior Sindh and

bordering parts of South Punjab, where it carried out eight low intensity attacks". (PIPS, 5 January 2016, p. 13)

The Pakistani newspaper Dawn gives the following overview of the leadership of the BLA:

"From 2000 until his death in 2007 on the Pak-Afghan border in disputed circumstances, the BLA was led by Balaach Marri — a son of veteran Baloch nationalist, the late Khair Bux Marri. The mantle of leadership was then taken up by his brother Hyrbyair Marri, who lives in self-exile in London. He was granted political asylum in the UK, having successfully argued that his life was in danger in Pakistan." (Dawn, 1 June 2015)

In June 2015, the current affairs magazine *The Diplomat* publishes an extensive article on the Baloch insurgency which features an interview with a BLA commander:

"From an undisclosed location on the Afghan-Pakistani border, senior BLA commander Baloch Khan told *The Diplomat* of seven Baloch armed groups, all of them 'secular and nationalist'. Khan said that the BLA hosts 25 camps in Pakistan's Balochistan region, and that they also rely on 'many other units conducting guerrilla warfare in urban areas. Among other operations, BLA claimed responsibility for the destruction, in June 2013, of the house where Muhammad Ali Jinnah — Pakistan's founder — spent his last days, as well as for the killing of 13 bus passengers in August 2013. 'Initially we arrested 25 people but finally executed 13 after we found out they belonged to the security forces,' commander Baloch Khan told *The Diplomat*. BLA's last attack took place in May this year, when an improvised explosive device hit the convoy in which Mamnoon Hussain, son of Pakistan's president, was travelling. Hussain escaped unhurt. After the 2006 military operation that killed 79-year-old tribal leader Nawab Akbar Bugti in his mountain hideout, his grandson, Brahamdagh Bugti, led the Balochistan Republican Party for several years from Afghanistan until he moved to Geneva in 2010, where he applied for political asylum." (*The Diplomat*, 24 June 2015)

### *3.7.2 The Baloch Liberation Front (BLF)*

According to *The Diplomat*, the Baloch Liberation Front (BLF) is "among the most active Baloch armed groups" and mainly bases itself in "Balochistan's southernmost Makran region" (*The Diplomat*, 24 June 2015). The magazine further gives the following information about the BLF leadership:

"[BLF is] led by Dr Allah Nazar, a former student leader and gynaecologist who is the only high profile Baloch insurgent commander currently fighting on the ground. On April 11, his men killed 20 labourers in Turbat. In a phone call, Nazar told *The Diplomat* that the targets were members of the Frontier Works Organization, a body linked to the Pakistani army. Nazar insisted that those killed were working on the highway road to Gwadar's deep water port, a multi-billion dollar investment in the China-Pakistan Economic Corridor, which the Baloch fear may alter the fragile demographic balance in the region by attracting foreign workers while local families are displaced. The senior commander called on 'all those multinationals trying to

settle and steal the resources of Balochistan on behalf of colonial empires' to cease their activities." (The Diplomat, 24 June 2015)

The PIPS Pakistan Security Report writes as follows about BLF's activities in 2014 and 2015:

"BLF carried out 38 terrorists attacks last year, compared to 18 attacks in 2014. There were unconfirmed report last year about the death of BLF's chief, Allah Nazar, but the rise in the attacks by the group indicates it still has effective organizational structure. BLF is mainly active in Awaran, Panjgur, Washuk, Turbat and Gwadar districts in southern Balochistan." (PIPS, 5 January 2016, p. 13)

Dawn also writes about the BLF leadership and its differences from other insurgence groups, stating that "[u]nlike most other separatist leaders, the BLF chief does not have a feudal background; he belongs to a middle-class family from Mashkay in district Awaran" and that "the fact that he is the only leader of the main insurgent groups who is engaged in actual fighting on the ground in Balochistan, contributes to his popularity among the younger Baloch." The same Dawn article, which was published in June 2015, also reports that "following the earthquake in Awaran in late 2013, the Army has made considerable headway in accessing parts of the district that were hitherto 'no-go areas' due to risk of insurgent attacks". According to Dawn, the "BLF's cadres include large numbers of Zikris, as members of this sect are concentrated in the Makran belt." (Dawn, 1 June 2015)

### *3.7.3 The Baloch Republican Army (BRA)*

The PIPS states that the "Baloch Republican Army (BRA) was the major actor of violence in Dera Bugti, Nasirabad, Dera Murad Jamali, Barkhan and Loralai districts of Balochistan, but the group's operational capabilities suffered during 2015, as it carried out 43 attacks compared to 106 in 2014" (PIPS, 5 January 2016, p. 13).

Dawn refers to a March 2009 cable from a US diplomatic post in Karachi, Pakistan published by WikiLeaks which indicates that the Baloch Republican Army "is rumoured to be the military wing of the BRP [Baloch Republican Party] under control of Brahamdagh Bugti from his refuge in Kabul" (Dawn, 1 June 2015; US diplomatic post in Karachi, 6 March 2009). The Diplomat reports that the central spokesman of the BRP, Sher Mohamad Bugti, said that the BRP is "a political party working on the surface that has no relation of any kind with the BRA". According to the same source, Pakistan however "sticks to the narrative that the BRP is the political wing of the armed Balochistan Republican Army" (The Diplomat, 24 June 2015).

Both newspapers describe an attack by the BRA which occurred on 24 January 2015 when the BRA "bombed two electricity transmission lines in Naseerabad district, plunging much of the country into darkness" (Dawn, 1 June 2015). According to The Diplomat, the bomb attack "left 140 million people without power across Pakistan" (The Diplomat, 24 June 2015).

### *3.7.4 United Baloch Army (UBA)*

PIPS writes that "UBA, led by Mehran Marri, is a splinter group of BLA [Balochistan Liberation Army], launched 5 terrorist attacks in Balochistan in 2015" (PIPS, 5 January 2016, p. 13). The Diplomat reports in June 2015 that "on May 29 [2015], militants opened fire on kidnapped

passengers in Balochistan's Mastung area, killing 22, all of them unarmed Pashtun. The attack was allegedly claimed by the United Baloch Army, a BLA splinter group. Both the BLA and the BRA [Baloch Republican Army] staunchly condemned the attack through social media and press releases" (The Diplomat, 24 June 2015).

### *3.7.5 Lashkar-e-Balochistan*

The Diplomat writes that "Lashkar-e-Balochistan is strategically deployed in central Balochistan. The armed movement is reportedly linked to the Mengal tribe, but they have remained silent over the last years, their last attack being two bomb blasts in Lahore and Karachi in 2012" (The Diplomat, 24 June 2015). On the contrary, PIPS states that "Lashkar-e-Balochistan carried out 23 terrorist attacks in 2015. The group was mainly active in Makran coastal belt and neighboring districts". However, PIPS also acknowledges that "led by Javed Mengal, the brother of Akhtar Mengal, the LeB's operational capabilities are decreasing, mainly because of internal differences" (PIPS, 5 January 2016, p. 13).

## 4 State Security Forces

### 4.1 Overview of the elements of the State security forces

#### *Pakistan armed forces*

The CIA World Factbook lists the Pakistan Army (including the National Guard), the Pakistan Navy (including the Maritime Security Agency) and the Pakistan Air Force (Pakistan Fiza'ya) under the military branches of the country (CIA, last updated 11 July 2016). The Belgium Office of the Commissioner General for Refugees and Stateless Persons (CGRS-CEDOCA) gives the following brief summary of the Pakistan Armed Forces based on a yearly report called “The Military Balance 2015” by the Institute for Strategic Studies:

“The Pakistan Armed Forces currently have 643,800 combat troops at their disposal, of which 550,000 belong to the army. Operational control rests with the National Command Authority (NCA). Pakistan’s nuclear and conventional forces have traditionally been oriented and structured against a prospective threat from India. Since 2008, however, a priority for the army has been counter-insurgency operations, mainly against Islamist groups for which forces have been redeployed from the Indian border.” (CGRS-CEDOCA, 18 April 2016, p. 11)

The website GlobalSecurity.org explains that “[t]he Pakistan Army is the largest branch of the Pakistan Armed Forces, and is mainly responsible for protection of the state borders, the security of administered territories and defending the national interests of Pakistan within the framework of its international obligations” (GlobalSecurity.org, page last modified 11 July 2011). It summarises the army as follows:

“The Pakistan Army a total strength of 520,000, about the size of the Army of the United States, with a reserve element of 500,000 who have a reserve obligation up to the age of 45 years. Reserve status lasted for eight years after leaving active service or until age forty-five for enlisted men and age fifty for officers. [...] Since the September 11th terrorist attacks, Pakistani military forces have been extensively engaged in the War on Terrorism against Taliban and Al Qaeda extremists. Over 90,000 troops along with various paramilitary forces are involved in a protracted fight against extremists in the tribal areas of Pakistan. It is more important than ever for the army to build bridges with civilians, as success in fighting extremism and terrorism is dependent on this.” (GlobalSecurity.org, page last modified 11 July 2011)

More recently, the armed forces have also created a special security division for the protection of Chinese workers in Pakistan. The Wall Street Journal (WSJ) cites Pakistan’s military spokesman, Maj. Gen. Asif Bajwa, stating that “Pakistan plans to devote nine army battalions and six wings of the civilian security forces to the new security unit” (WSJ, 22 April 2015). The Pakistani newspaper Dawn reports the following on this new division:

“The Army has created a special security division for the protection of Chinese engineers, project directors, experts and workers employed on various Chinese

funded projects across Pakistan, the president said. [...] Military sources said a total of 10,000 troops have been dedicated to this purpose and a two-star senior military officer, who would report directly to the General Headquarters (GHQ), would head this security division.” (Dawn, 21 April 2015)

The independent think tank Italian Institute for International Political Studies (ISPI) describes Pakistan’s armed forces as being “among the most modern, largest and well-funded in the world”, with the army being “the largest unit” of the armed forces” and “the most powerful institution in the country” (ISPI, July 2014, p. 1). The ISPI describes the strengths of the army in the following terms:

“In the late 1950s, it became a key political force and increasingly infiltrated the economy. Its penetration into crucial political decision-making became entrenched in the ‘80s, while the greatest penetration into the economy and society took place in following decade, and has not been reversed to date. [...] Although the military component of Pakistan’s budget has decreased since the end of the 1980s, military spending remains very high (3.1% of GDP). In addition to using vast national resources for its defence, the country remains one of the main beneficiaries of US military aid despite rocky and at times faltering bilateral relations.” (ISPI, July 2014, pp. 1-2)

In the paper referenced above, ISPI goes into more detail when analysing the army’s economic influence:

“Through the decades the Pakistan military has acquired a prominent economic role which takes various forms: in addition to being given a wide range of benefits including licenses and large plots of land, reflecting a British tradition in the subcontinent, retired and serving senior officers received key posts in the public sector and in state-run corporations. The military also penetrated the economy through the business ventures of its welfare foundations.” (ISPI, July 2014, p. 8)

GlobalSecurity.org also reports about the army’s economic strength as well as its societal influence:

“The Army gradually gained control of Pakistan’s political, social, and economic resources. This power has transformed Pakistani society, where the armed forces have become an independent class. The military is entrenched in the corporate sector and controls the country’s largest companies and large tracts of real estate.” (GlobalSecurity.org, page last modified 11 July 2011)

Professor Anatol Lieven from the Department of War Studies at King’s College London also describes the Pakistani military as a separate class with a strong sense of belonging:

“The Pakistani military, more even than most militaries, sees itself as a breed apart, and devotes great effort to inculcating in new recruits the feeling that they belong to a military family different from (and vastly superior to) Pakistani civilian society. The mainly middle-class composition of the officer corps increases contempt for the ‘feudal’ political class. The army sees itself as both morally superior to this class,

and far more modern, progressive and better-educated. In the words of Lt-General (retired) Tanvir Naqvi: 'The run-of-the-mill officer feels very proud of the fact that the army is a very efficient organization and is therefore a role model for the rest of the country in terms of order, discipline, getting things done and above all patriotism. He is very proud of Pakistan and very proud of the army.' This belief is also widely present in Pakistani society as a whole, and has become dominant at regular intervals." (Lieven, 2011, pp. 305-306)

The Italian Institute for International Political Studies (ISPI) also points out that the society in Pakistan often views the military favorably:

"[...] Pakistan society has in the past been quite compliant with coups and behind-the-scenes military interference. This could be explained by disenchantment with civilian leaders, by a widespread obsession with Indian 'machinations' aimed at dismembering the country, spread by school textbooks and the media, and by the military's ability not only to project an image of discipline and efficiency, but also to fulfil some widely felt needs." (ISPI, July 2014, p. 7)

In January 2016, the army chief General Sharif has announced his plans to retire in 2016. Dawn reports the following on the retirement:

"Gen Sharif, who became the army chief on Nov 29, 2013, is set to retire on Nov 30 this year after completing three years in office. [...] He would be the first army chief to retire on time in two decades. His predecessors Gen Ashfaq Parvez Kayani and Gen Pervez Musharraf got extensions, while Gen Jehangir Karamat was sent home prematurely. Gen Sharif used his brief statement to reassure the country that the army was a strong institution and his departure would not affect the fight against extremism and terrorism. 'Efforts to root out terrorism will continue with full vigour and resolve. Pakistan's national interest is supreme and will be safeguarded at all costs,' Gen Sharif was quoted as having said." (Dawn, 26 January 2016)

### *Inter Intelligence Service (ISI)*

Listing the "Top ten Intelligence Agencies of the World", the online news format ABC News Point describes the Pakistani Inter Intelligence Service (ISI) the following way:

"The Directorate for Inter-Services Intelligence (Inter-Services Intelligence) is the premier intelligence service of Pakistan, founded in 1948. It has responsibilities of collecting information of critical national security and intelligence assessment for Government of Pakistan. American Crime News declared Pakistan Inter Services Intelligence as world's best and strongest intelligence agency, headquartered in Shahrah-e-Soharwardi in Islamabad. ISI is most known and famous agency among three agencies working in Pakistan; others are Intelligence Bureau (IB) and Military Intelligence (MI). ISI is known as command immense power in the Pakistani establishment, referred to principle brainpower organization of the country." (ABC News Point, 15 December 2014)

The US think tank Council on Foreign Relations (CFR) cites Hassan Abbas, a research fellow at Harvard's Kennedy School of Government, explaining that "[c]onstitutionally, the agency is accountable to the prime minister" but that "most officers in the ISI are from the army, so that is where their loyalties and interests lie" (CFR, 4 May 2011). According to the US Department of State (USDOS) country report on terrorism, "[t]he Inter-Services Intelligence Directorate has broad intelligence powers and fulfilled a de facto border security role along with tribal militias, provincial police, and the Frontier Corps" (USDOS, 2 June 2016, chapter 2).

GlobalSecurity.org also describes the ISI, giving an overview of some of the criticism faced by the agency:

"The ISI has become a state within a state, answerable neither to the leadership of the army, nor to the President or the Prime Minister. The result is there has been no real supervision of the ISI, and corruption, narcotics, and big money have all come into play, further complicating the political scenario. Drug money was used by ISI to finance not only the Afghanistan war, but also the proxy war against India in Punjab and Kashmir. [...] Staffed by hundreds of civilian and military officers, and thousands of other workers, the agency's headquarters is located in Islamabad. The ISI reportedly has a total of about 10,000 officers and staff members, a number which does not include informants and assets." (GlobalSecurity.org, page last modified 28 July 2011a)

In 2014, General Rizwan Akhtar became the new head of ISI (The Guardian, 30 September 2014). The British newspaper The Guardian reports the following on the new director general and the organization itself:

"'For him, a terrorist is a terrorist,' said Nasir Aftab, a senior Karachi policeman. 'There is no impression of good terrorism or bad terrorism, or that some are working for Pakistan.' Such moral clarity is not usually associated with the ISI, an organisation accused of conspiring to overthrow civilian governments and backing regional insurgencies. The ISI has faced calls for it to be branded a terrorist organisation because of its habit of drawing a distinction between militants trying to topple Pakistan and those whose interests are confined to Afghanistan and India. Frustrated western officials claim that only this year the Taliban-allied Haqqani network was assisted in moving to safety before the launch of a long-awaited military operation in North Waziristan, a tribal agency neighbouring Afghanistan that had been allowed to become a terrorist hub. Sceptics say the ISI is beyond reform. Director generals only serve for a couple of years, hardly enough time to get to grips with a sprawling organisation that includes some officers who, it is feared, share the ideology of the militants that they handle. There has even been speculation that the ISI has slipped from the control of the army itself. '(Under Akhtar) there will be no change in objectives but only in how he handles things,' said Ayesha Siddiq, an analyst who specialises in military affairs. 'He will try to make the army look neutral, but we are not going to see less intervention in politics, or changed perspectives on India or Afghanistan.'" (The Guardian, 30 September 2014)

The BBC also reports about the new director general of ISI, General Rizwan Akhtar, in November 2014, giving the following overview of the organization:

“When he takes over the intelligence service ISI, Lt Gen Rizwan Akhtar will become one of the two most powerful men in Pakistan, answerable only to the army chief. While most intelligence agencies concern themselves with threats to national security, the ISI’s remit extends to virtually all aspects of Pakistani life. Gen Akhtar inherits a highly disciplined and powerful organisation with staff and informers deployed throughout the country’s big cities and small towns. The ISI’s capacity to enforce its will - by brute force when it deems it necessary - makes it the only state institution of which no Pakistani, however rich and powerful, would want be on the wrong side. The business and political elite may laugh at the tax authorities, bully the police and manipulate the judicial system - but none of them dare cross the ISI. [...] When the country’s biggest TV channel, Geo, dared suggest that the ISI might have been behind an assassination attempt on its highest profile anchor, the ISI simply called for the channel to be taken off air and it was. The move has had a significant chilling effect. While Geo TV has seen its audience share and profits squeezed, other channels have understood the ISI’s message and Pakistan’s TV journalists are more timid today than they were.” (BBC News, 7 November 2014)

### *Pakistani Police*

In its annual human rights report, the US Department of State (USDOS) explains that “[p]olice have primary domestic security responsibilities for most of the country” and “[l]ocal police are under the Ministry of Interior” (USDOS, 13 April 2016, section 1d). The Human Rights Commission of Pakistan (HRCP) and the Commonwealth Human Rights Initiative (CHRI) point out however that “traditional policing is the responsibility of the provinces” and that Punjab, Sindh Police, Khyber Pakhtunkhwa and Balochistan each have their own police entity (HRCP/CHRI, 2010, p. 10). They give the following overview of the structure of the Pakistani police:

“The provincial police organisations across the country have characteristics and structures similar to each other for a few reasons. First, they are all tasked with maintaining order and preventing/detecting crime. Second, major substantive and procedural criminal laws (i.e. the Pakistan Penal Code, the Code of Criminal Procedure, and the Qanun-e-Shahadat Order) are uniformly applicable to most parts of the country Third, the Police Service of Pakistan (PSP), which provides the bulk of senior officers to the provincial police departments, is recruited, trained and managed by the federal government. This ensures that police leadership throughout Pakistan emerge from the same training and recruitment background.” (HRCP/CHRI, 2010, p. 10)

In 2009, the Belfer Center for Science and International Affairs, a think tank affiliated with the John F. Kennedy School of Government at Harvard University, gives the following assessment of the police in Pakistan:

“The police infrastructure is one of Pakistan’s most poorly managed organizations. It is aptly described as ill-equipped, poorly trained, deeply politicized, and chronically corrupt. It has performed well in certain operations; overall, however, that is a rare phenomenon. Arguably, the primary reason for this state of affairs is the government’s persistent failure to invest in law enforcement reform and modernization. It is ironic that despite frequent internal crises since its inception in 1947, ranging from ethnic confrontations and sectarian battles to a sharp rise in criminal activity and growing insurgencies, both political and military policymakers have never given this sector top priority. Hence, poor police performance in counterterrorism and counterinsurgency is not surprising.” (Belfer Center for Science and International Affairs, April 2009, p. 8)

In 2016, the Pakistan Institute for Legislative Development and Transparency (PILDAT), an independent non-profit think tank from Pakistan, also writes that the police has been subject to criticism, providing the following overview of the police in Pakistan:

“In Pakistan, the crisis of law and order has worsened over the years. The primary law enforcing agency of Pakistan - the Police - has been deemed as incapable of managing its obligations, especially in overcoming serious crimes and combating terrorism. The Police in Pakistan suffer from much criticism for their inefficiency, public dealing, and are often accused of corruption and politicization. Negative perception of police among the general public and the media is a major concern for officers themselves. Since independence, there has been no real or significant progress in reforming and restructuring the police system inherited from colonial times except the democratic Police Order 2002 which was ironically introduced under a military regime replacing the colonial Police Act 1861. That move also failed to achieve the desired outcome owing to the opposition from provincial political executives and the bureaucracy and lack of leadership on part of police leaders. Importantly, the reform efforts have avoided responding to core policing deficits such as in training, police station responsiveness, investigations and broadly in management and leadership.” (PILDAT, February 2016a, p. 9)

The Overseas Security Advisory Council (OSAC), which was established in order to promote security cooperation between American private sector interests worldwide and the U.S. Department of State, gives the following assessment of the Police in Pakistan:

“A comparative analysis of figures from police/security entities operating throughout Pakistan indicates that incidents of crime are inaccurately- or under-reported. Under-reporting is due in large part to insufficient police presence and response capabilities and the public’s negative perception of the police. [...] Police services are below Western standards and are non-existent in some areas. Police records are not computerized, and there is no national database for criminal records. Traditional crime fighting, community policing campaigns, and other regular police services face severe deficiencies due to the security services’ focus on counter-terrorism activities.” (OSAC, December 2015)

## *The Rangers*

According to the USDOS the Rangers are “a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab” (USDOS, 13 April 2016, section 1d). The United States Institute for Peace (USIP), an independent federally-funded US research institution, provides the following overview about the Rangers in 2011:

“This organization secures Pakistan’s border with India and assists when called in by respective provincial governments to maintain law and order. Sindh Rangers also provide security to VIPs visiting Sindh and are especially active in Karachi. Both organizations regularly assist police in border regions and focus on intelligence gathering. An antiterrorist wing, trained by the army’s Special Services Group, was incorporated in 2004 in both organizations. The director general, an army officer with the rank of major general, leads both forces. Commanders of these forces closely coordinate with local military commanders in Karachi and Lahore. Deputy director generals are appointed by provincial governments. The Rangers’ strength in Punjab is 19,475, and in Sindh, 24,630.” (USIP, February 2011, p. 16)

The official website of the Pakistan Rangers (Punjab) states the following about the work of the Rangers:

“In 1995 the Pakistan Rangers divided into two parts, one called Pakistan Rangers Punjab, with its headquarters in Lahore, and the other called Pakistan Rangers Sindh, with headquarters in Karachi. The two divisions have different uniforms and command. [...] Pakistan Rangers is mainly responsible for the protection of Pakistan’s Eastern Borders, however, at times it also assists the Government for Internal Security Duty. The Rangers are also very active in securing important monuments and guarding national assets in various cities of Pakistan. The Rangers have notably contributed towards maintaining law and order in the country. Pakistan Rangers (Punjab) is primarily responsible for guarding 1300 KMs Eastern Border of Province of Punjab. In addition, the Force is also actively involved in Internal Security tasks all over the Province of Punjab. The extensive employment led to a major expansion taking place between 2003 and 2005, from 17 Wings to 23 Wings.” (Pakistan Rangers (Punjab), undated)

The website of the Pakistan Rangers (Sindh) gives the following summary of the development of the Rangers in Sindh:

“Pakistan Rangers (Sindh) traces its inheritance from Sindh Rifles established in 1943. On emergence of Pakistan, the security of Eastern border was assigned to Sindh Rifles, Khairpur State Police, Bahawalpur State Police and newly raised Punjab Home Guards. In 1948, Sindh Rifles and Punjab Home Guards were re-designated as Sindh Police Rangers and Punjab Border Police respectively. In 1958, border security forces were re-organized and named as West Pakistan Rangers and later re-designated as Pakistan Rangers in 1971. In late 80s, due to worsening law and order situation in Karachi and Hyderabad, Mehran Force was raised in September 1988. Army was de-inducted from Internal Security duties in 1994 and Mehran

Force continued to control law and order of the province. In early 90s, ethnic violence resulted in wide spread unrest. To control the situation, Federal Government decided to substantially increase the strength of Rangers and the raising of separate Headquarters for Civil Armed Force in Sindh. Consequently, in March 1995, Pakistan Rangers thus got bifurcated into Pakistan Rangers (Punjab) and Pakistan Rangers (Sindh). Mehran Force and other Corps of Pakistan Rangers operated in the province of Sindh formed part of Pakistan Rangers (Sindh). The Force is governed by Rangers Ordinance 1959 under the Ministry of Interior while the Government of Sindh requisitions Sindh Rangers for Internal Security duties on yearly basis.” (Pakistan Rangers (Sindh), undated)

In July 2015, the International Crisis Group (ICG) provides the following assessment of the work of the Rangers in Sindh, referring to interviews that the ICG took at the Sindh home ministry in April 2015:

“Ostensibly supervised by the Sindh government, the Rangers have taken control of most areas of policing, from having an alternative dial-in complaints centre to developing an ISI-supported counterpart to the Citizen-Police Liaison Committee (CPLC). Sidelining police and provincial government, operation review meetings are held at Karachi’s army corps headquarters, often chaired by Army Chief Sharif in the chief minister’s absence.” (ICG, 22 July 2015, p. 21)

#### *The Frontier Corps (FC)*

The Frontier Cops are “the Rangers’ counterpart in Balochistan and the tribal areas” (USDOS, 13 April 2016, section 1d). In its 2014 Country Information and Guidance document, the UK Home Office quotes Jane’s Sentinel Security Assessment last updated in 2012:

“Other government forces of Pakistan include the Border guards, consisting of the Frontier Corps (FC) with a total strength of 80,000, and Pakistan Rangers, total strength 44,000. The Pakistan Rangers are responsible for policing the border with India along with other internal security tasks as required. The FC is deployed along the border with Afghanistan under two commands – FC (NWFP [now Khyber Pakhtunkhwa]) and FC (Balochistan).” (UK Home Office, 6 October 2014, p. 16)

GlobalSecurity.org describes the Frontier Corps in an article which was last modified in July 2011, but major parts of the information provided presumably originate from the year 2008:

“The Frontier Corps (FC) are a Federal paramilitary force manned mostly by people from the tribal areas and officered by officers from the Pakistan Army. The FC stationed in the North-West Frontier Province (NWFP) [now Khyber Pakhtunkhwa] and Balochistan Province, are known as FC NWFP and FC Balochistan, respectively. Both distinct provincial groups are run traditionally by an Army officer of at least major-general rank. Another lesser-trained paramilitary force, having officers from the Police Service of Pakistan and other personnel from the Pashtun tribes, is also known as FC, though it stands for Frontier Constabulary. All the tribal administrative agencies have either one or two units of this force. They are manned by the tribes,

who normally serve in mixed configurations to prevent breakdown of discipline. They are officered by regular officers of the Pakistani military. Today, they are tasked to assist the 90,000 strong army stationed in FATA. With a total manpower of approximately 80,000, the task of these forces is to help local law enforcement in the maintenance of law and order when called upon to do so. Border patrol and anti-smuggling operations are also delegated to the FC. Lately, these forces have been increasingly used in military operations against insurgents in Balochistan and militants in the Federally Administered Tribal areas. The Frontier Corps (FC) operated in FATA for securing the Afghan border and assisting the political administration of the seven tribal agencies to maintain law and order. This paramilitary force is well suited to operate in FATA. The largely Pashtun force is drawn from the same ethnic groups that inhabit the tribal areas, and so is able to win the trust of the people and match their fighting skills. Presently 50,000-member strong and set to total 55,000 following fresh recruitment, the FC has largely managed security duties in the tribal areas and on the border with Afghanistan and earned praise for its discipline and bravery. While Frontier Corps troops understand the culture and region better and speak the local language, they have even less equipment and less training than the military.” (GlobalSecurity.org, page last modified 28 July 2011b)

In an analysis from 2007, the Washington DC based Jamestown Foundation also looks at the differences between the Frontier Corps in Balochistan (FC Balochistan) and the Frontier Corps in Khyber Pakhtunkhwa, formerly known as North-West Frontier Province (FC NWFP):

“It is also relevant to point out that FC Balochistan is comprised largely of non-Baloch, whereas a great majority of soldiers in FC NWFP are ethnically Pashtun. Secondly, FC Balochistan, comprised of 13 units, is not popular in Balochistan and is seen as an outside force that is widely believed to be involved in human rights violations and is known for the disproportionate use of force. On the other hand, FC NWFP, comprised of 14 units, has a comparatively better reputation among people of the province.” (Jamestown Foundation, 29 March 2007)

Among the sources consulted no further information could be found regarding this issue.

### *Levies and Lashkars*

The International Crisis Group (ICG) describes Levies as “paramilitary units, under military command” (ICG, 15 January 2013, p. 13) and lashkars as “state-supported militias, tasked with acting on the military’s behalf to counter militants” (ICG, 15 January 2013, p. 21). The USDOS explains that “[t]ribal leaders convene lashkars (tribal militias), to deal with temporary law and order disturbances, but are a private tribal militia and not a formal law enforcement entity” (USDOS, 13 April 2016, section 1d). The Pakistani newspaper The Express Tribune gives the following description of the Levies in December 2012:

“The Levies are part of a security apparatus installed between the Federally Administered Tribal Areas (Fata) and settled areas known as the Frontier Region

(FR). As opposed to the khasadars, referred to as ‘tribal police’ and appointed by tribal authorities, the Levies are appointed by the political administration on merit basis and are given arms and ammunition by the government.” (The Express Tribune, 31 December 2012)

## 4.2 Anti-terrorist measures

### 4.2.1 Militarization of civilian forces

In a description of the Pakistan army which was last modified in July 2011, GlobalSecurity.org, a US-based website covering military and security issues, summarises the interplay between army and politics in Pakistan as follows:

“Successive army chiefs promised to keep the army out of politics, but some of them brought the army to power to fill what they considered to be a political vacuum. Since the founding of Pakistan, the army has been key in holding the state together, promoting a feeling of nationhood among disparate peoples and providing a bastion of selfless service in the midst of a venal government system” (GlobalSecurity.org, page last modified 11 July 2011)

According to the same source, the Pakistan army has “all too frequently [...] felt the need to take over the government, cleanse it of corruption and try to reform its bureaucracy before returning it to civilian control” notwithstanding the fact, that “[a]rmy control of the government has all too often led to a corrupt military regime that eventually collapsed” itself (GlobalSecurity.org, page last modified 11 July 2011). In April 2016, the Doha-based news broadcaster Al Jazeera gives the following description of interplay between the army and civilian forces in Pakistan:

“As a young democracy, Pakistan has yet to achieve an equilibrium of power. Although nominally administered by elected governments drawn from the national and provincial assemblies, the country habitually stumbles from one political furore to another that enthral the public with speculation about the impending doom of one administration or another. Invariably, the outcome is determined by the army, which has ruled Pakistan for half its history and remains its most influential political entity.” (Al Jazeera, 28 April 2016)

The Pakistan Institute of Legislative Development and Transparency (PILDAT), an independent, non-partisan and not-for-profit think tank from Pakistan provides an assessment of the Pakistani democracy for the year 2015 and concludes that “[t]he period under consideration saw the weakening of the writ of the civilian Government as its authority was eclipsed by that of the Military leadership in formulating policies and taking decisions, especially in relation to critical domains of our foreign policy and the internal security policy” (PILDAT, May 2016 p. 9). In April 2016, the Human Rights Commission of Pakistan (HRCP) gives the following assessment on the militarisation of civilian forces in Pakistan:

“Ubiquitous militarisation of all sectors of civilian authority is damaging the democratic system and adversely affecting human rights and fundamental freedoms, which are being restricted in the name of security, the Human Rights

Commission of Pakistan (HRCP) has stated. A statement issued at the conclusion of the HRCP Executive Council and annual general meetings on Sunday said: ‘HRCP must voice its grave concern over what can only be described as omnipresent militarisation of the country, over all sectors of civilian institutions and authorities, which is seriously undermining the democratic system. It also has an undeniable negative impact on the rights of individuals and groups. At the risk of sounding repetitive, HRCP demands that civilian oversight of all military actions must be ensured without exception and progress should be shared with the people regularly.’” (HRCP, 3 April 2016)

The research library of the United States Congress, the Library of Congress, writes that “Pakistan’s antiterrorism efforts have become increasingly militarized” (Library of Congress, 25 November 2015). It provides the following overview of the legal framework for fighting terrorism in Pakistan and the Pakistani strategy to counter terrorism:

“Historically, Pakistan has principally adopted an ‘antiterrorism’ legal framework in order to address extremist activity and sectarian violence in the country. In the context of increasing sectarian and political violence in Pakistan, the then Nawaz Sharif government promulgated the Anti-terrorism Act, 1997, establishing Pakistan’s principal antiterrorism regime. In the last few years Pakistan has passed a number of additional antiterrorism laws, including the National Counterterrorism Authority Act, the Investigation for Fair Trial Act, the Protection of Pakistan Act of 2014, and several amendments to the Anti-terrorism Act of 1997.

In early July 2013, the Nawaz Sharif government unveiled a draft counterterrorism policy, which generally adopted the same strategy as the previous government to address militancy through five elements: dismantle, contain, prevent, educate, and reintegrate militants.

In late December 2014, following the Peshawar school massacre, the Prime Minister announced a twenty-point National Action Plan to counter terrorism that included proposals to establish military courts to try alleged terrorists, strengthen NACTA [National Counter Terrorism Authority], and counter hate speech and extremist material. More recently, however, Pakistan’s antiterrorism efforts have become increasingly militarized with the passage of the 21st Constitutional Amendment Act and the Pakistan Army (Amendment) Act, 2015, which provide the legal framework for establishing specialized military courts to try civilian terrorist suspects.” (Library of Congress, 25 November 2015)

The Anti-Terrorism Act of 1997 including amendments up to 2014 can be accessed via the following link:

- Anti-Terrorism Act, 1997 [An act to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences](amended as of 18 June 2014) (published by Ministry of Law and Justice, 20 January 2015)  
<http://www.molaw.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTM2L21vbGF3L3VzZXJmaWxlczEvZmlsZS9BbnRpLVRIcnJvcmlzbSUyMEFjdC5wZGY%3D>

### *Protection of Pakistan Act (PPA), 2014*

In its country report on terrorism covering the year 2015, the US Department of State (USDOS) describes the Protection of Pakistan Act, 2014, and comments on its implementation throughout the year:

“The PPA [Protection of Pakistan Act], passed in July of 2014, sought to create a specialized system for adjudicating terrorism cases by establishing a federally empowered infrastructure with special federal courts, prosecutors, police stations, and investigation teams for the enforcement of 20 specially-delineated categories of offenses. Human rights advocates and other legal experts criticized the PPA for provisions granting broad immunity to security forces in the use of lethal force, expanding the power of arrest without a warrant, and eliminating the presumption of innocence. The provisions of the PPA, including the creation of new judicial infrastructure, have been only sporadically implemented in 2015 and the Act is set to expire in July 2016.” (USDOS, 2 June 2016, chapter 2)

In a July 2014 press release, Human Rights Watch (HRW) describes the legislative process before the enactment of the Protection of Pakistan Act, 2014 as follows:

“On July 2, 2014, the National Assembly passed the Protection of Pakistan Bill to replace the Protection of Pakistan Ordinance, which the Senate refused to approve in April over concerns about its potential to violate human rights. The Senate approved the new bill on July 1 and President Mamnoon Hussain is expected to sign it into law within days. [...]

The new law would violate fundamental rights to freedom of speech, privacy, peaceful assembly, and due process protections embodied in the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified in 2010. In its current form, the law could be used to suppress peaceful political opposition and criticism of government policy.

Media reports described the Parliament and Senate’s approval of the law as a means to support Pakistani security forces, which have launched a massive offensive against suspected terrorists in North Waziristan. Pakistan’s Minister of Science and Technology, Zahid Hamid, reportedly said the law would ‘give statutory cover’ to security forces involved in the ground offensive. However, Pakistani security forces have a long history of using inappropriate force in response to perceived security threats. [...]

The bill is in some respects an improvement over its predecessor, the Protection of Pakistan Ordinance, 2013. The Ordinance, for example, required only an internal inquiry for security forces suspected of abusing their rights, leading to a lack of accountability. The new law would require a judicial inquiry for such cases.” (HRW, 3 July 2014)

The Protection of Pakistan Act from July 2014 can be accessed via the following link:

- Protection of Pakistan Act, 2014 [An Act to provide for protection against waging of war or insurrection against Pakistan and the prevention of acts threatening the security of Pakistan] (published in The Gazette of Pakistan, 15 July 2014)  
[http://www.na.gov.pk/uploads/documents/1409034186\\_281.pdf](http://www.na.gov.pk/uploads/documents/1409034186_281.pdf)

### *National Action Plan (NAP)*

In December 2014, after the Peshawar school massacre, the Prime Minister announced a twenty-point National Action Plan to counter terrorism (Library of Congress, 25 November 2015). The International Crisis Group (ICG) describes the development of the National Action Plan as follows:

“The 16 December 2014 attack on an army-run school in Peshawar, which killed 150, mainly children, claimed by the Tehreek-e-Taliban Pakistan (Taliban Movement of Pakistan-TTP), was ostensibly a game changer. A week later, the Pakistan Muslim League (Nawaz) (PML-N) government unveiled a new counter-terrorism strategy, the twenty-point National Action Plan (NAP), with Prime Minister Nawaz Sharif and Army Chief Raheel Sharif vowing to target all terror groups without distinction. Six months later, amid continued terror attacks, the NAP looks far more like a hastily-conceived wish-list devised for public consumption during a moment of crisis than a coherent strategy. Reliance on blunt instruments and lethal force to counter terrorism risks doing more harm than good when they undermine constitutionalism, democratic governance and the rule of law and provide grist to the jihadis’ propaganda mill. [...] Despite claims to the contrary, the military, which has almost complete control over national security and counter-terrorism policy, also still distinguishes between ‘bad’ jihadi groups, those targeting the security forces, and ‘good’ jihadi groups, those perceived to promote its strategic objectives in India and Afghanistan. Anti-India outfits such as Jamaat-ud-Dawa (JD), the renamed version of the banned Lashkare-Tayyaba (LeT), have even expanded their activities through so-called charity fronts. Military-backed Afghan insurgents, such as the Haqqani Network, have not been targeted in ongoing operations in the North Waziristan agency of the Federally Administered Tribal Areas (FATA). Instead, the Haqqanis, like the LeT/JD, have been kept off Pakistan’s list of terrorist groups.” (ICG, 22 July 2015, p. i)

The Japanese current affairs magazine *The Diplomat* also writes in January 2016 that “Pakistan’s militant dilemma is like a paradox where certain militant groups are perceived as grave threat to national security while others are let off the hook, which further complicates the problem” (*The Diplomat*, 28 January 2016). The US Department of State (USDOS) report on terrorism covering the year 2015 also indicates that the government hasn’t changed this practice:

“In November, the Pakistan Electronic Media Regulatory Agency (PEMRA) reportedly banned media coverage of U.S.- and UN-designated terrorist organizations such as Jamaat-u-Dawa (JuD) and the Falah-e-Insaniyat Foundation (FiF), both of which are aliases of Lashkar-e-Tayyiba (LeT), but the government did

not otherwise constrain those groups' fundraising activities. Pakistan took steps to support political reconciliation between the Afghan government and the Afghan Taliban, but it did not take sufficient action to constrain the ability of the Taliban and the Haqqani Network (HQN) to threaten U.S. and Afghan interests in Afghanistan." (USDOS, 2 June 2016, chapter 2)

Giving a more detailed account of the contents of the National Action Plan itself, the ICG writes that "the National Action Plan (NAP) contains important law enforcement objectives, including action against banned jihadi groups, regulating the madrasa sector and curbing terror financing. With the military given the lead, however, it focuses less on civilian law enforcement, and more on blunt tools and lethal force" (ICG, 22 July 2015, p. 1). The USDOS gives the following overview of the NAP and its implementation:

"The NAP is a mixture of judicial, law enforcement, military, and administrative goals that seek to punish established terrorists, eliminate support for terrorism, and promote the non-violent coexistence of the country's various religious sects, all to prevent future terrorist attacks on Pakistani soil. The NAP is not, in and of itself, legally binding; each component depends on existing, revised, or new legislation. The government did not formally articulate the metrics by which it measured the NAP's overall success. Most official assessments of its implementation reached the public via the media. These media reports most often followed closed door meetings of senior federal or provincial civilian and military leadership." (USDOS, 2 June 2016, chapter 2)

Human Rights Watch (HRW) writes that "[t]he military assumed control of the implementation of a national plan to address terrorism, largely without civilian oversight. It was also formally given membership in the Apex committees, provincial committees formed to coordinate local counterterrorism efforts and security" (HRW, 27 January 2016). The Pak Institute for Peace Studies (PIPS) gives the following overview of structural arrangements for the implementation of the NAP and the so-called apex committees:

"The National Action Plan, announced after the December 16 attack, enlists 20 points meant to fight terrorism in the country. [...] To oversee the implementation of the 20 points of NAP, the government initially constituted 15 different subcommittees. These committees comprised ministers, senior government officials, and top army officials. As if these committees were not enough, apex committees comprising military and political leadership were also formed in all provinces to oversee NAP's implementation there. [...] [T]he exact composition of each apex committees remains a mystery. Many of the official figures on arrests and crackdowns are taken from the press releases issued after the apex committees' meetings. The number of apex committees meetings held in different provinces are also not shared publicly. The interior ministry said that so far 30 meetings of apex committees of all provinces have been held which monitor the progress report." (PIPS, 8 December 2015)

According to the ICG, the provincial apex committees "enable the military to bypass representative institutions and play a more direct role in governance. Armed with new legal

tools, the military has further marginalised civilian institutions in devising and implementing counterterrorism policy” (ICG, 22 July 2015, p. i).

Providing insights on the implementation of the NAP, the ICG writes that “there is little evidence of progress on many NAP targets. [...] Efforts to regulate the madrasa sector, curb hate speech and literature and block terrorist financing have been haphazard at best” (ICG, 22 July 2015, p. ii). The USDOS states the following about the implementation of the NAP in its annual report on terrorism:

“The Minister of Interior briefed the Pakistani National Assembly on NAP implementation progress on December 17 and 18 [2015]. The Minister cited a statistical reduction in terrorist attacks over 2015, but acknowledged that terrorism had not been completely eliminated from the country. Throughout 2015, the media frequently reported parliamentary criticism of the government’s NAP implementation progress, as well as accusations of blame from within the federal government and the Pakistani military for implementation shortcomings.” (USDOS, 2 June 2016, chapter 2)

However, the ICG also reports that “[a]fter inaugurating the NAP on 24 December, the Sharif government implemented two major demands of the military without delay: lifting the predecessor government’s 2008 moratorium on the death penalty; and passing on 6 January 2015 the 21<sup>st</sup> constitutional amendment, empowering special military courts to try all terrorism suspects, including civilians” (ICG, 22 July 2015, p. i).

For information on the death penalty, please see [section 6.2](#) of this compilation; [section 4.2.2](#) deals with the 21<sup>st</sup> amendment of the constitution and the establishment and functioning of military courts.

To view the full 20 points of the National Action Plan (NAP) and a detailed analysis of the NAP by the Pak Institute for Peace Studies (PIPS) please see the links below:

- NACTA – National Counter Terrorism Authority Pakistan: 20 Points of National Action Plan, undated  
<http://nacta.gov.pk/NAPPoints20.htm>
- PIPS - The Pakistan Institute for Peace Studies: Comprehensive Review Of National Action Plan. In: Conflict and Peace Studies, Volume 7, Number 2, July-December 2015  
[http://pakpips.com/downloads/pdf/Final\\_A%20PIPS%20Research%20Journal%20Final%20vol%207%20no2.pdf](http://pakpips.com/downloads/pdf/Final_A%20PIPS%20Research%20Journal%20Final%20vol%207%20no2.pdf)

#### *National Counter Terrorism Authority (NACTA)*

The National Counter Terrorism Authority (NACTA) was initially established in 2009 but “was soon embroiled in issues pertaining to its administrative control and mandate” (The Express Tribune, 17 March 2013). The Pakistani daily newspaper the Nation explains that the legal status of NACTA “remained ambiguous until the passing of the ‘NACTA Bill’” in 2013, which “provided a legal basis for the directorate to conduct its operations” (The Nation, 24 November 2015). On 22 March 2013 the National Counter Terrorism Authority Act (NACTA Act) was

assented by the President, stating that “[a]s soon as may be, but not later than ninety days after the promulgation of this Act, the Federal Government shall, by notification in the official gazette, establish an Authority to be known as the National Counter Terrorism Authority Pakistan for carrying out the purposes of this Act”. This authority “shall be an independent body answerable directly to the Prime Minister” (National Counter Terrorism Authority Act, 2013, Article 3 (2)). The functions of NACTA are laid out in part three of the NACTA Act and include the collection of data, information and intelligence, the coordination, preparation and review of National counter terrorism and counter extremism strategies, the development of action plans against terrorism and extremism, the preparation of relevant research, the liaison and cooperation with international entities, the review of relevant laws and the appointment of relevant experts (National Counter Terrorism Authority Act, 2013, Article 4). The Nation explains that “NACTA also came to be designated as the focal organization for national security under the National Internal Security Policy (NISP) 2014-2018, approved by the Government of Pakistan on 25th of November, 2013” (The Nation, 24 November 2015).

In its annual report on terrorism covering the year 2015, the US Department of State explains that NACTA “has nationwide jurisdiction as a civilian agency, is empowered to coordinate with provincial and territorial counterterrorism units, and seemed to take a more active role in counterterrorism operations throughout 2015”. However, the USDOS also points out that the US government “had limited visibility into the NACTA law’s implementation” (USDOS, 2 June 2016, chapter 2). The Pak Institute for Peace Studies (PIPS) reports the following about NACTA in its annual report for the year 2015:

“The Supreme Court expressed its concerns over the ineffectiveness of the National Counter-Terrorism Authority (NACTA) in eradicating terrorism in the country. In the fiscal year 2015-16, no special budget were released for NACTA. It received Rs. 100 m against the Rs. 2 billion it demanded. In December, state interior minister informed the parliamentarians that service rules of NACTA have yet to be finalized. Earlier, in August, a new National Coordinator was appointed to head NACTA. The new NC [National Coordinator] is a serving police officer who also heads the National Police Bureau. The new NC, however, hinted that the dual responsibilities enable him to utilize the resources of the NPB [National Police Bureau] for the usage of NACTA, which otherwise lacks proper premises. Meanwhile, the PM [Prime Minister] also approved the absorption of National Crisis Management Cell into NACTA.” (PIPS, 5 January 2016, p. 44)

The Pakistani newspaper The Nation writes in November 2015 that NACTA “today is merely another redundant body with little say in the formulation or implementation process of policies related to extremism and counter terrorism” and that “[r]ife with controversies, legal challenges and ambiguity of status, and faced with discontinuity in policies and lack of funding, the ambitious body of NACTA has become an entity which will probably never function fully” (The Nation, 24 November 2015).

The full text of the NACTA Act can be accessed via the following link:

- National Counter Terrorism Authority Act, 2013 [An Act to establish National Counter Terrorism Authority in Pakistan] (published in The Gazette of Pakistan, 26 March 2013)  
[http://www.na.gov.pk/uploads/documents/1364795170\\_139.pdf](http://www.na.gov.pk/uploads/documents/1364795170_139.pdf)

The above mentioned National Internal Security Policy (NISP) 2014 – 2018 is available on the NACTA website and can be accessed via the following link:

- Ministry of Interior: National Internal Security Policy (NISP) 2014-2018, approved by the cabinet on 25 February 2014  
<http://nacta.gov.pk/policies/NISP.pdf>

An analysis of the National Internal Security Policy (NISP), including a chapter on the National Counter Terrorism Authority (NACTA), can be found in a paper of the Oslo-based Centre for International and Strategic Analysis (SISA):

- SISA - Centre for International and Strategic Analysis: The National Internal Security Policy Of Pakistan - An Assessment, June 2014  
[http://strategiskanalyse.no/Publikasjoner%202014/2014-06-05\\_SISA25\\_NISP\\_Challenges Ahead MZ.pdf](http://strategiskanalyse.no/Publikasjoner%202014/2014-06-05_SISA25_NISP_Challenges Ahead MZ.pdf)

#### *4.2.2 Military courts*

In June 2016, the International Commission of Jurists (ICJ), which consists of judges and lawyers from all regions of the world, who aim to promote and protect human rights through the rule of law, gives the following summary of the development of military courts in Pakistan:

“In January 2015, Pakistan empowered military courts to try civilians for terrorism-related offences as part of its 20-point ‘National Action Plan’, adopted by the Government following the horrific attack on the Army Public School in Peshawar. The expansion of military jurisdiction over civilians was accomplished through the 21st Amendment to Pakistan’s Constitution and amendments to the Army Act, 1952. These amendments allow military courts to try offences related to ‘terrorism’ committed by those who claim to, or are known to, belong to a terrorist organization ‘using the name of religion or a sect’. Both amendments are set to expire on 6 January 2017 pursuant to a ‘sunset clause’, after which they will cease to be in effect (although there is always a possibility they could be renewed). The National Action Plan envisioned military courts to be a short-term ‘solution’ to try ‘terrorists’, to be operational only for a two-year period during which the Government would bring about necessary ‘reforms in criminal courts system to strengthen the anti-terrorism institutions’. But as of the time of publication of this Briefing Paper, there is little sign of the promised reforms to strengthen the ordinary criminal justice system to effectively handle terrorism-related cases.” (ICJ, June 2016, p. 3)

The Anti-Terrorism Act 1997 already provided for Anti-terrorism courts which allow the government to “try persons charged with violent crimes, terrorist activities, acts, or speech designed to foment religious hatred, and crimes against the state” (USDOS, 13 April 2016, section 1e). However, in 2015 “[t]he government instituted military courts for civilian trials, which try civilians on terrorism and related charges” (USDOS, 13 April 2016, section 1e). The

US Department of State gives the following overview of the establishment of these military courts in its human rights report covering the year 2015:

“In January, in response to a terrorist attack on the Peshawar Army Public School, Parliament approved a constitutional amendment to allow military courts to try civilians on terrorism, militancy, sectarian violence, and other charges. The amendment included a provision under which the courts will expire after two years. On August 5, the Supreme Court upheld this use of military courts, while retaining its right to review cases” (USDOS, 13 April 2016, section 1d).

The International Crisis Group (ICG) explains the development from Anti-terrorism courts to the newly established military courts:

“The military courts are meant to overcome the problems experienced by another parallel court system, the anti-terrorism courts (ATCs), established in 1997 by Nawaz Sharif’s previous government. It came with lower evidence thresholds, procedural short-cuts and other measures to ensure speedy trials but has either failed to obtain convictions or seen them overturned on appeal due to weaknesses of the criminal justice system, including inadequately trained and resourced investigation agencies, prosecution services, and trial judges and negligible protection for witnesses, prosecutors and judges. The expectation of easier and quicker convictions, combined with the vague definition of terrorism under the ATA [Anti-Terrorism Act] and categorised in the Penal Code as offenses against the state, led complainants, police and prosecutors to swamp the ATCs with cases, resulting in the very delays they were meant to resolve. Military courts are likely to face similar problems, also given the vague definition of terrorism and long list of offenses under the PPA [Protection of Pakistan Act].” (ICG, 22 July 2015, p. 23)

The Pakistani newspaper Dawn gives the following summary about the amendments that led to the establishment of military courts:

“After the December 16, 2014, attack on the Army Public School Peshawar, the government had introduced the 21st constitutional amendment to allow for military courts. On January 6, parliament passed the amendment that enabled military courts to try civilians facing various charges related to terrorism, militancy, sectarian violence, waging war against the state, armed forces and law enforcement agencies.” (Dawn, 24 August 2015)

The Human Rights Commission of Pakistan (HRCP) provides a more detailed account of the amendments:

“The 21st constitutional amendment and the corresponding amendments to the Army Act, 1952, gave military courts jurisdiction to try all persons, including civilians, alleged to have committed certain offences related to terrorism. The amendments provided that the government might transfer a case related to the enumerated offences under the Army Act from any court to a military tribunal for trial. The amended law also stipulated that in case of conflict with other laws, provisions of the Army Act would prevail. The amendments did not expressly

exclude juveniles from the ambit of military courts. [...] Also, the parliament passed 21st Constitutional Amendment Bill and the Pakistan Army Amendment Bill, 2015 unopposed. These laws essentially affect Article 175 of the constitution that deals with the establishment and jurisdiction of courts and provide for the setting up of constitutionally protected military courts to try civilian terrorism suspects, in a guilty-until-proven-innocent paradigm. The amendments give military authorities the power to arrest investigate, try and sit in appeal against their own verdict. albeit in camera, before a final appeal can be made to the Supreme Court.” (HRCP, March 2016, administration of justice, pp. 2-3)

The 21st amendment of the Constitution was passed by the National Assembly and the Senate on 6 January 2015 and received presidential assent on 7 January 2015 (Constitution (Twenty-First Amendment) Act, 7 January 2015). It effectively affects Chapter 1 “Fundamental Rights”. The Constitution determines in Chapter 1, Article 8 (1) that “[a]ny law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 8 (1)) and in Article 8 (2) that “[t]he State shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 8 (2)).

However, the First Schedule of the Constitution lists “[l]aws exempted from the operation of Article 8 (1) and (2)” (Constitution of Pakistan, 1973, amended as of 7 January 2015, First Schedule). The 21st amendment of the Constitution amends the First Schedule of the Constitution as it adds the Pakistan Army Act of 1952, the Pakistan Air Force Act of 1953, the Pakistan Navy Ordinance of 1961 and the Protection of Pakistan Act of 2014 (which has been described above) to this list under the First Schedule of the Constitution, therefore exempting these laws from Article 8 (1) and (2) in Chapter 1 “Fundamental Rights” (Constitution of Pakistan, 1973, amended as of 7 January 2015, First Schedule, Part 1, III.6, 7, 8, 9).

While the 21st amendment from 7 January 2015 added the Pakistan Army Act of 1952 to the First schedule of the Constitution and thus exempted it from Article 8 (1) and (2) in Chapter 1 “Fundamental Rights” (Constitution of Pakistan, 1973, amended as of 7 January 2015, First Schedule, Part 1 III.9), the Pakistan Army Act was also amended “empowering military courts for two years to try all terror suspects, including civilians” (ICG, 22 July 2015, p. 3).

The Jamestown Foundation, an institute for research and analysis based in Washington D.C., provided the following report about the establishment of military courts in March 2015:

“Members of the Pakistan Peoples Party and Pakistan Muslim League-Nawaz who were previously ousted by military coups watched nervously as the civil government conceded sweeping authority to the military, as it has done in the wake of previous crises. Despite latent concerns, a measure to establish military courts passed unopposed, with the country’s two main Islamic parties, the Jamaat-e-Islami and Jamiat Ulema-e-Islam Fazal, abstaining. As a result, special military courts are expected to begin functioning by the end of February. [...] However,

members of Pakistan's judicial system have criticized the move as they feel it gives too much power to the military without improving civilian courts. The structure of these courts and the method of transferring cases from a civil to a military jurisdiction remain unclear. What is clear, however, is that they will drastically alter the requirements needed to secure convictions, as the standard of what constitutes evidence will be up to the discretion of those presiding over the case." (Jamestown Foundation, 6 March 2015)

In an article from August 2015 the Pakistani newspaper Dawn mentions that the government "has quietly allowed the military courts to try thousands of suspects detained at different internment centres by passing an ordinance" on 25 February 2015. These amendments allow the military courts to try detainees which have been previously captured during military operation throughout the country and are currently held in internment centers, with some of them being detained since 2009:

"According to retired Lt-Col Tahir Mehmood, of the army's legal directorate, the initial amendment to the PAA [Pakistan Army Act] was silent about the internment centres detainees. 'The amendments in the PAA made in January this year [2015] empowered jurisdiction of the military courts to those suspects who were not subject to the army act earlier,' he explained, adding that the 21<sup>st</sup> amendment gave constitutional cover to the amendments made in the PAA.

A former officer of the army's judge advocate general (JAG) branch, the military's legal directorate, told Dawn that there were over 6,000 suspects detained at different internment centres and that these suspects were captured in military operations since 2009. During the hearings of some missing persons' cases in courts, the military did admit to holding some of them in custody; it said these men were captured in the operational areas and then detained in the internment centres. The detention of these suspects was of concern to the military.

As a result, while the petitions against the 21 amendment were pending in the apex court, the ministry of law and justice on February 25 promulgated an ordinance for further extending the ambit of the PAA to the persons under the custody of the armed forces. This has now allowed the military courts to hold the trial of the men that had been detained earlier, before the 21 amendment was passed.

The ordinance amended Section 2 (which defines jurisdiction of the PAA) to say: 'Any person arrested, detained or held in custody by the armed forces, civil armed forces or law enforcement agencies and kept under arrest, custody or detention before the coming into force of the Pakistan Army (Amendment) Act 2015 (Act II of 2015) shall be deemed to have been arrested or detained pursuant to the provisions of this Act as amended by the PAA.'" (Dawn, 24 August 2015)

In November 2015, the Pakistan Army Act was further amended by the Pakistan Army (Amendment) Act, 2015. This Act incorporates the provisions of the February 2015 Ordinance (Pakistan Army (Amendment) Ordinance, 2015) described in the Dawn article above into law. It can be accessed via the following link:

- Pakistan Army (Amendment) Act, 2015 [An Act further to amend the Pakistan Army Act, 1952] (published in the Gazette of Pakistan, 21 November 2015)  
[http://www.senate.gov.pk/uploads/documents/1449661683\\_843.pdf](http://www.senate.gov.pk/uploads/documents/1449661683_843.pdf)

The Pakistan Army Act, including amendments until January 2015, but not the November 2015 Amendment above, can be accessed via the following link:

- Pakistan Army Act, 1952, amended as of 7 January 2015 (available at Pakistan Code Website of Ministry of Law and Justice)  
<http://pakistancode.gov.pk/english/pdf-file-pdffiles/administrator81e161d660fd6a406f220bbaac2f0291.pdf-apaUY2Fqa-ap%2BYaQ%3D%3D>

According to the USDOS human rights report for the year 2015, “NGOs, opposition leaders, and activists expressed concerns about the use of military courts for civilian suspects, citing lack of transparency and its redundancy with the civilian judicial system” (USDOS, 13 April 2016, section 1d). In its annual report on human rights and democracy for the year 2015, the UK Foreign and Commonwealth Office (FCO) writes that “[t]here is little information on these courts and no access to proceedings, making it impossible to assess their compliance with international obligations” (FCO, April 2016, p. 44). The USDOS writes in its country report on terrorism that “Anti-Terrorism Courts had limited procedures for obtaining or admitting foreign evidence” and that “[s]ecurity concerns and procedural issues resulted in a slow pace of trial proceedings” (USDOS, 2 June 2016, chapter 2). The annual report of Human Rights Watch (HRW) gives the following assessment of military courts in the year 2015:

“Suicide bombings, armed attacks, and killings by the Taliban, Al-Qaeda, and their affiliates targeted nearly every sector of Pakistani society, including religious minorities and journalists, resulting in hundreds of deaths. In connection with these attacks, military courts sentenced at least 15 people to death in proceedings shrouded in secrecy, giving rise to fair trial concerns. Neither the Pakistani government nor the military articulated any criteria for selection of cases to be tried in military courts, giving the impression of arbitrariness. No independent monitoring of the process was allowed, and the news of death sentences was often given by the Interservices Public Relations, a military communications agency, through social media.” (HRW, 27 January 2016)

In June 2016, the International Commission of Jurists (ICJ) gives the following summary of the cases processed by these courts as well as their outcomes since January 2015:

“Since the amendments to the Constitution and the Pakistan Army Act in January 2015, the Government has constituted 11 military courts to hear ‘terrorism’ cases. These 11 military courts have thus far concluded the trials of at least 105 people, finding the defendants guilty in at least 81 cases. Seventy-seven people have been sentenced to death and four have been given life sentences. Twelve out of the 77 people sentenced to death have been hanged. Families of at least 17 people convicted by military courts have challenged their convictions and sentences. Their petitions are currently pending before the Supreme Court. [...]

It is important to note that the military has disclosed no information about the fate or whereabouts of the 24 people not found guilty by military courts, and it remains unknown whether they have been acquitted and set at liberty; if they are still being detained on other charges; or if their cases have been transferred to other courts. The only public source of information about the convicts, their alleged affiliation with proscribed organizations, the offences they are convicted for, and the sentences they have been given is media statements issued by the Inter Services Public Relations (ISPR). The statements contain vague references to the alleged involvement of the convicts in militancy, and do not specify the nature or extent of the convicts' purported role in the acts of terrorism ascribed to them.

According to information received by the ICJ and statements by the military's media office, those convicted by military courts allegedly belong to various groups accused of carrying out armed attacks: 43 of the men convicted are said to belong to the Tehreek-e-Taliban Pakistan; one is allegedly from the Tehreek-e- Taliban (Swat); four are said to be from Harkat ul Jihad-e-Islami; seven are allegedly members of Sepah-e-Sahaba; one is said to be a member of Jaish-e- Muhammad; eight are allegedly from Al Qaeda; six are said to be from the Toheedwal Jihad Group; and four are allegedly 'active members' of other undisclosed 'proscribed organizations'. The organizational affiliation, if any, of seven of the 81 people convicted has not been made public." (ICJ, June 2016, pp. 4-5)

The ICJ briefing paper from June 2016 cited above can be accessed via the following link:

- ICJ – International Commission of Jurists: Military Injustice in Pakistan, June 2016  
<https://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf>

For more information on the death penalty please refer to [section 6.2](#) of this compilation.

### *4.2.3 Military operations*

In March 2015, the Jamestown Foundation writes that following the attack on the army school in Peshawar in December 2014 "the Pakistani government immediately stepped up its war against terrorism through both military and legislative action" (Jamestown Foundation, 6 March 2015). The country report on terrorism of the US Department of State (USDOS) writes that in the year 2015 "[t]he military continued to conduct significant counterterrorism operations in North Waziristan and Khyber agencies in the tribal areas, and a combination of military, paramilitary, and civilian forces conducted operations in Sindh, Balochistan, Khyber Pakhtunkhwa, and Punjab" (USDOS, 2 June 2016, chapter 2). The Pak Institute for Peace Studies (PIPS) provides the following summary of security operations in 2015:

"The security forces launched 143 operation attacks in 2015 against a ray of militants, sectarian outfits, and nationalist insurgents, in FATA, Balochistan, KP and Karachi. In FATA, a total of 75 operational attacks against the terrorists were recorded in 2015, most of them in North Waziristan, the site of Zarb-e-Azb; and Khyber Agency, the site of Khyber-I and Khyber-II. In Balochistan, forces launched 31 operational strikes, most of them against Baloch insurgents. 26 strikes were

launched in Karachi, where operation intensified after the National Action Plan last December. The number of operational attacks in KP and Punjab stood at 6 and 5 respectively. A total of 1560 people were killed in the reported 143 operational strikes across Pakistan in 2015, including 1545 militants/insurgents. Also, 173 people were injured in these attacks including 131 militants.” (PIPS, 5 January 2016, p. 41)

In its Pakistan Assessment 2016, the South Asia Terrorism Portal (SATP) writes that operation Zarb-e-Azb (sharp and cutting) was launched in the tribal areas of Pakistan on 15 June 2014 and gives the following information on the operation:

“During the operation, domestically oriented terror groups have been targeted with full military might. Director General (DG) of Inter Services Public Relations (ISPR), Lt. Gen. Asim Saleem Bajwa, claimed, on December 12, 2015, that since the launch of the operation ‘3,400 terrorists [were] killed, and 837 hideouts from where they were carrying out their terrorist activities [were] destroyed [...] Success came at a heavy price as 488 valiant officers and men of Pakistan Army, FC [Frontier Constabulary] KP and Bolan and Sindh Rangers sacrificed their lives, while another 1,914 were injured.’ Most recently, on April 3, 2016, ISPR claimed that SFs had ‘cleared’ 4,304 square kilometers of area in the North Waziristan Agency of FATA and ‘restored the writ of the Government in all areas especially in remote areas of FATA.’ Despite the rhetoric of ‘not discriminating among terror groups’, however, Pakistani Forces have carefully avoided inflicting any harm on terrorist formations which serve perceived ‘state interests’. Islamabad’s policy of selective targeting of terror groups leaves the environment that breeds terrorism intact. [...] Further, despite repeated US calls to target the Haqqani Network – one of the most vicious terrorist formations operating from Pakistan into Afghanistan – in Operation Zarb-e-Azb, no visible action in this direction has been taken thus far.” (SATP, 2016)

For the period of 2015, the PIPS writes that the “Pakistani state started reclaiming the geographical areas in North Waziristan, which was practically lost to the militants” and gives the following summary of the progress made by the Pakistani security forces in North Waziristan in 2015:

“[...] [I]n June, the military announced the operation to be entering its decisive phase by taking on militants ensconced in the Shawal valley, which separates North Waziristan from South Waziristan. By December, the military pointed that ‘[I]ast pockets close to Pak–Afghan Border being cleared.’ To some extent, the operation in North Waziristan broke the communication network of militants, who were headquartered in NW. Yet, according to several analysts, the militants might have moved to other areas. [...] A considerable number of the militants from the North Waziristan moved to settled districts of Khyber Pakhtunkhwa, south Punjab, Karachi, and Balochistan. Moreover, Afghanistan complained the operation resulted in the ‘unintended consequences’ of influx of militants into its territory.” (PIPS, 5 January 2016, p. 41)

Operation Zarb-e-Azb has reportedly also affected the security situation in the capital Islamabad. The USDOS writes in its human rights report published in 2016 that “[i]n July 2014 the prime minister invoked Article 245 of the Constitution, calling on the military to support the civilian government to maintain law and order in Islamabad”. According to USDOS, “[o]bservers viewed the decision as necessary to bolster the capital’s security after military operation Zarb-e-Azb raised government concerns of retaliatory attacks from militant groups”. The USDOS specifies that “[p]aramilitary forces, including Rangers and the frontier constabulary, provided security to some areas of Islamabad and continued active operations in Karachi”. (USDOS, 13 April 2016, section 1d)

In June 2016, the newspaper Dawn reports about a press conference held by the Pakistani military on the two-year anniversary of Operation Zarb-i-Azb. The newspaper cites Lt Gen Asim Bajwa, head of the military’s media wing, stating that “992 hideouts have been destroyed thus far” and that “[t]here are just the last few pockets remaining in the Shawal valley”. According to Lt Bajwa, “[b]order management is still a challenge and management mechanisms are an upcoming focus.” (Dawn, 15 June 2016)

In its annual security report covering the year 2015, the PIPS reports about the conclusion of operation Khyber II, providing the following information on this military operation:

“To the north, in Khyber Pakhtunkhwa, the military carried out the second phase of Khyber operation. Launched in March 2015, Khyber-II was meant to clear the agency’s Tirah valley, which had turned into sanctuary of militants affiliated with the TTP, Lashkar-e-Islam, and Jamaatul Ahrar. The operation was formally concluded on the first anniversary of Zarb-e-Azb, in June 2015.” (PIPS, 5 January 2016, p. 41)

The PIPS states that in Balochistan, throughout the year 2015 “31 operational attacks by security forces” were carried out and “44 armed clashes and encounters between security forces and militants” have been counted (PIPS, 5 January 2016, p. 19). The same report states that “[a]s in 2014, in 2015 too, the highest number of terrorist attacks for any one region of Pakistan was reported from Balochistan, where 218 attacks killed 257 people and wounded 329 others” (PIPS, 5 January 2016, p. 18). In an article from April 2016, the Asian Human Rights Commission (AHRC) notes that “Pakistan’s security establishment has been conducting military operations in Balochistan since 2001, to obtain control over the Baloch land and resources”. According to the article, during 2016 the Frontier Corp “has conducted several operations in their search for militants, during which more than 100 innocent citizens have been killed” (AHRC, 20 April 2016).

In its country report on terrorism covering the year 2015, the USDOS reports about a “law-and-order’ operation against terrorists and organized crime syndicates” in Sindh which continued throughout the year and was “carried out by the paramilitary Sindh Rangers and the civilian Sindh Police” (USDOS, 2 June 2016, chapter 2). The same source continues to state:

“Many analysts attributed to that operation the significant reduction in violence over 2015 that the provincial capital has witnessed. Media reported allegations that

operations focused disproportionately on certain political parties with a political rather than counterterrorism focus. The government denied those allegations. In December, the Sindh provincial government extended the mandate of the Sindh Rangers for 60 days, but the limits of their authority remain under discussion between the federal and provincial government.” (USDOS, 2 June 2016, chapter 2)

In its report on human rights practices in 2015, the USDOS reports that the government “also acted throughout the country to weaken terrorist groups and prevent recruitment by militant organizations”, providing the following examples:

“For example, law enforcement agencies reported seizures of large caches of weapons in urban areas such as Islamabad, Lahore, and Karachi. Police arrested Karachi gang members and TTP [Tehreek-e-Taliban Pakistan] commanders who allegedly provided logistical support to militants in the tribal areas. Police arrested would-be suicide bombers in major cities, confiscating weapons, suicide vests, and planning materials.” (USDOS, 13 April 2016, section 1g)

According to the USDOS “[r]estrictions on access to these conflict zones imposed by the government limited the information available to civil society and nongovernmental actors about possible abuses in these areas” (USDOS, 13 April 2016, section 1c). Amnesty International (AI) also refers to the lack of transparency and the resulting difficulties to access information on how the military operation affects the population:

“The civilian population in FATA continued to be affected by internal armed conflict. The Pakistan Army continued its military operations, started in 2014, against non-state armed groups in North Waziristan and Khyber tribal agency. The Army claimed that over 3,400 militants were killed and at least 21,193 arrested during these operations. Due to the lack of transparency of the operations and independent media coverage, and previous concerns of disproportionate use of force in similar operations, serious concerns remained about the circumstances surrounding the killings, and the treatment in detention and fair trials of those arrested.” (AI, 24 February 2016)

In a statement issued at its annual general meeting in April 2016, the Human Rights Commissions of Pakistan (HRCP) states the following about the impact of conflict on the civilian population:

“In the Federally Administered Tribal Areas (FATA), the security forces are reported to have taken over private property of the locals with impunity. Reports of the use of excessive force in some villages are harrowing, where no house has been left standing and the population has had to escape the onslaught.

It is of utmost importance that the security forces are not given a carte blanche and their operations have strict oversight to prevent excesses and ensure accountability. All incidents of death in custody, the so-called encounters and killings by the security forces should be investigated by oversight committees that must also comprise recognised representatives of civil society institutions.[...]

The continuing plight of internally displaced persons in the country has been all but forgotten. No efforts have been made to adopt a proactive policy or a long-term strategy to address the challenges associated with internal displacement.” (HRCP, 3 April 2016)

The USDOS states in its report on human rights practices in 2015 that the military operations in Khyber Pakhtunkhwa and FATA resulted in large population displacement (USDOS, 13 April 2016, section 2d). According to the security report of the Pak Institute for Peace Studies (PIPS) covering the year 2015, “because of Pakistan’s operation in North Waziristan, many Pakistani residents escaped across the border to Afghanistan”. The PIPS refers to Afghan President Ashraf Ghani who reportedly stated that “around 350,000 to 500,000 Pakistani refugees are hosted by Afghanistan” (PIPS, 5 January 2016, p. 45)

For information on the treatment of Internally Displaced Persons see [section 14](#) of this compilation.

## 4.3 Unlawful use of force

### 4.3.1 Extrajudicial killings

Article 3 of the Protection of Pakistan Act (PPA), 2014 regulates the “use of armed forces and civil armed forces to prevent scheduled offences” (PPA, 2014, Article 3). Summarising these regulations, Dawn writes that “the order to shoot a person on suspicion will come only from an official of a law-enforcement agency or a police officer of grade-15 or above” and that the law “binds the government to order a judicial inquiry, if any law-enforcement agency official opens fire on suspected terrorists” (Dawn, 2 July 2014).

The Asian Human Rights Commission (AHRC), an independent, non-governmental organisation, advocating for human rights in the Asian region, writes in February 2016, however, that “extrajudicial killings have become endemic in the country marred by internal conflict” (AHRC, 17 February 2016). Referring to a telephone interview with a professor with the Department of Sociology and Criminal Justice at the State University of New York from December 2015, the Immigration and Refugee Board of Canada (IRB) reports that “Punjab is the ‘worst’ region for police corruption, especially ‘custodial killings,’ which are incidents whereby individuals are killed in police custody, but the death is blamed on an outside ‘encounter’ such as resisting arrest” (IRB, 14 January 2016).

In a written statement to the UN Human Rights Council (HRC), the NGO Asian Legal Resource Centre (ALRC), gives the following account of extrajudicial killings:

“The law enforcement agencies (LEAs), particularly the military and its intelligence agencies, have been given the power to shoot suspects on sight and to try them in military courts via the passage of recent ordinances, laws, and amendments to the Constitution. The LEAs are free to kill any person on the pretext of terrorism or encounters, with complete impunity. The decision of culpability solely vests on the whims of the LEAs. Every agency is pushing to show its competency and efficiency, which is resulting in extrajudicial killings on a daily basis. The police and the

paramilitary Pakistan Rangers, in particular, have become judge, jury, and executioners all rolled in one.” (ALRC, 5 June 2015, p. 2)

According to the South Asia Terrorism Portal (SATP), “[e]xtra judicial killings by state agencies and their proxies remain rampant across Pakistan, more specifically in Balochistan”. In 2015, “247 civilians were killed in Balochistan, of which some 114 were attributable to one or other militant outfit. The remaining 143 ‘unattributed’ fatalities are overwhelmingly considered the work of the state apparatus and its surrogates.” (SATP, 2016)

The above-cited Asian Human Rights Commission (AHRC) also writes that the Baloch people “are the major victims of enforced disappearances and extrajudicial killings” and that they “have not been left with the possibility of any constitutional or legal remedies” (AHRC, 17 February 2016). The US Department of State (USDOS) writes that during the year 2015 “[a]llegations that killing of Baloch nationalists were politically motivated continued in Balochistan and Karachi”. It cites the Voice of Baloch Missing Persons (VBMP) which published a report “detailing the discovery of mutilated corpses in Noshki and Kalat districts of Balochistan” (USDOS, 13 April 2016, section 1a). According to the World Report 2016 from Human Rights Watch “[t]he security forces engaged in extrajudicial killings and enforced disappearances to counter political unrest in the province of Balochistan and in the port city of Karachi in Sindh province” (HRW, 27 January 2016). The USDOS further gives the following overview of the areas and number of recorded killings in 2015:

“There were numerous reports that authorities committed arbitrary or unlawful killings. Security forces reportedly committed extrajudicial killings in connection with conflicts in Punjab, Balochistan, FATA, Sindh, and KP. [...] The nongovernmental organization (NGO) Society for Human Rights and Prisoners’ Aid (SHARP) reported more than 960 civilian deaths after encounters with police, compared with 400 in 2014. Lengthy trial delays and failure to discipline and prosecute those responsible for killings contributed to a culture of impunity. There were reports of alleged kidnapping and killing of individuals in Sindh. In July, Hyderabad Police and the National Database and Registration Authority confirmed that Sindhi nationalist leader Raja Dahir Bhanbhro had been killed and buried along a highway. Sindhi nationalist group Jeay Sindh Muttahida Mahaz (JSMM) claimed that Dahir was their general secretary and that law enforcement agencies killed him.” (USDOS, 13 April 2016, section 1a)

In its annual report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) notes that “[t]he Sindh Rangers have been granted powers to operate in Karachi under the provisions of the Anti-Terrorism Act (ATA) of 1997” (HRCP, March 2016, administration of justice, p. 13). Reporting about the year 2015, Human Rights Watch (HRW) also states that the Rangers “were given complete control over law enforcement in the city of Karachi, where there were reports of extrajudicial killings, enforced disappearances, and torture” (HRW, 27 January 2016). In its submission to the UN Human Rights Council (HRC), the Asian Legal Resource Centre (ALRC) provides a similar statement reporting that “[e]xtrajudicial killings have increased manifold since the start of an operation in the metropolis of Karachi against target killings” (ALRC, 5 June 2015).

The ALRC also accounts many killings to the Pakistan Rangers giving the following account of the situation in Karachi:

“The Pakistan Rangers, the LEA heading the operation, in the first three months of 2015, killed at least 157 persons. During the year 2014, according to newspaper reports, 692 persons were killed extrajudicially in different parts of the Karachi. According to statistics collected by the Human Rights Commission of Pakistan (HRCPP), 457 persons have been killed in police encounters and 135 killed by the law enforcement agencies. These are only the documented cases and actual figures where the state atrocities are unknown. Without a check and balance system there is complete impunity, and there is no redressal for the victim from the institutions of justice.” (ALRC, 5 June 2015, p. 2)

The news agency Reuters provides a detailed report about the above mentioned operation resulting in extrajudicial killings in Karachi, giving the following information in August 2015:

“Some senior current and former Karachi police officials say extrajudicial killings by the force are happening as part of a crackdown on crime in the city, in a stark admission of the practice by Pakistani authorities. [...] According to political leaders, human rights activists and families of victims, however, the crackdown has been accompanied by allegations of extortion and killings by the police in staged encounters – a practice where police claim the victim was killed in a gunfight though they were executed. In interviews, half a dozen serving and former police officials said such extra-judicial killings were being used as a policing technique and a way to release the burden on courts. Accusations of abuses by Pakistan’s military and police are not new, but the acknowledgment by officials marks an unusual admission in a country with a poor human rights record.

Rao Anwar, a senior Karachi police official against whom the NGO United Human Rights Commission of Pakistan filed a court case in May for alleged extra-judicial killings, said suspects were sometimes handed over to police by Rangers and intelligence officials to be ‘dealt with’. But he added that most of the killings were as a result of police clashes with criminals. When asked whether he thinks innocent people were also killed, Anwar said, ‘This is a state of war.’ ‘There are always gray areas in such matters. And when the justice system fails to convict suspects then these things happen,’ he said. The United Human Rights Commission alleged in the case against Anwar that he killed 60 people in staged encounters. The Sindh High Court will hear the case next month. Anwar declined to comment on the case.

Ghulam Qadir Thebo, the inspector general for Karachi until July, said police had killed 234 criminals in police clashes since January this year. A senior policeman, who declined to be named, put the figure at 1,000, saying a majority of the deaths were extrajudicial killings. Three other serving officials confirmed the assessment. The inspector general’s office declined comment on the figure. Neither the intelligence services nor Rangers answered requests for comment. While police acknowledge that the crackdown has resulted in excesses on the margins, they say

police are also often victims of attacks by criminals. More than 150 police have been killed since the start of the operation, police said.” (Reuters, 9 August 2015)

In August 2015, the Pakistani newspaper Dawn reports about a protest staged by the political party Muttahida Qaumi Movement (MQM) in the National Assembly because of the operation in Karachi and the extrajudicial killings linked to it:

“The Muttahida Qaumi Movement protested in the National Assembly and Senate on Monday against the alleged extrajudicial killings and persecution of its workers and Urdu-speaking people by Rangers during the ongoing operation in Karachi. The MQM members staged a token walkout from the National Assembly when the speaker did not allow them to move an adjournment motion on the Karachi situation, terming it a provincial subject. On the other hand, Senate witnessed some emotional scenes when two women lawmakers of MQM burst into tears during their speeches while speaking on the recovery of the body of party activist Hashim, who had allegedly been arrested by Rangers two months ago. [...] Interior Minister Chaudhry Nisar Ali Khan rejected the MQM’s claim that the party was being victimised and asked the Muttahida members to give some advice to their party chief Altaf Hussain who, according to him, was the root cause of the problem.” (Dawn, 11 August 2015)

In June 2016, the Asian Legal Resource Center (ALRC) submitted a report to the UN Human Rights Council (HRC) dealing with extrajudicial killings in Pakistan which can be accessed via the following link:

- ALRC - Asian Legal Resource Centre: Pakistan: Extrajudicial killings make a mockery of failed judicial institutions, 2 June 2016  
<http://alrc.asia/pakistan-extrajudicial-killings-make-a-mockery-of-failed-judicial-institutions/>

#### *4.3.2 Unlawful use of violence and harassment*

Unlawful use of violence and harassment by state security forces has been reported against various groups. In an Urgent Action, Amnesty International writes in January 2016 that “cases of arbitrary detention, harassment and intimidation of human rights defenders, journalists, and political activists have been regularly reported in various parts of Pakistan, including Balochistan, and most recently, Karachi” (AI, 29 January 2016, p. 2). The human rights organisation Christian Solidarity Worldwide (CSW) writes in September 2015 that they have “received reliable information about various forms of harassment experienced by lawyers defending people accused of blasphemy” and that “lawyers face frequent intimidation and harassment, both in their homes and in the courtroom” (CSW, 7 September 2015). The CSW statement further reports the following:

“On 1 April 2015, lawyers filed a written petition in the court against the government of Punjab concerning misconduct by police officials. After the order was passed, the lawyers began to receive death threats from local police and religious extremists for their work defending the rights of Christians in Youhanabad. Lawyers dealing with blasphemy cases and rights of minorities continue to face violence and harassment in Pakistan, and the examples above illustrate the nature

of this harassment. However, the harassment remains systematic and is likely to affect most lawyers who deal with sensitive cases.” (CSW, 7 September 2015)

The US Department of State (USDOS) report on religious freedom covering the year 2014 reports that “Ahmadiyya community leaders expressed continued concern over authorities’ targeting and harassment of Ahmadis for blasphemy, violations of ‘anti-Ahmadi laws,’ or other crimes” (USDOS, 14 October 2015, section 2). In its country report on human rights practices 2015, the USDOS states that “[s]ecurity forces, political parties, militants, and other groups subjected media outlets, journalists, and their families to violence and harassment” and that “[s]ecurity forces abducted journalists” (USDOS, 13 April 2016, section 2a).

For information on the treatment of journalists, other media professionals and media organizations see [section 8](#), for information on the treatment of human rights defenders see [section 9](#) of this compilation. Information on freedom of speech, expression and assembly is provided in [section 6.5](#) of this compilation.

In May 2016, Human Rights Watch (HRW) publishes a press release about Afghans in Pakistan stating that their “uncertain residency status has over the past two years encouraged police abuses against them, including harassment, threats, and extortion” (HRW, 28 May 2016). In its human rights report covering the year 2015, the USDOS also reports that “UNHCR and refugee-affiliated NGOs have expressed concern that Afghan refugees could face heightened exposure to arrest, harassment, and detention by local law enforcement without a formal extension of PoR [proof of registration] cards”. PoR cards are “official documents held by registered refugees that allowed them to remain legally in the country”. (USDOS, 13 April 2016, section 2d)

More information on Afghans in Pakistan can be found in [section 15](#) (treatment of ethnic minority groups) of this compilation.

In its annual report covering the year 2015, Human Rights Watch (HRW) writes that independent organisations were subject to pressure and harassment from the government, further providing the following details:

“The Pakistan government forced the international aid agency Save the Children to suspend operations in June and banned the Norwegian Refugee Council. Independent organizations faced increasing pressure and harassment from the government. The Pakistani government announced the ‘Policy for Regulation of INGOs in Pakistan’ on October 1, 2015. The new regulations require all INGOs [international NGOs] to register and obtain prior permission from the Ministry of Interior to carry out any activities in the country and to restrict their operations to specific issues and geographical areas. The ministry is broadly empowered to cancel registrations on grounds of ‘involvement in any activity inconsistent with Pakistan’s national interests, or contrary to Government policy’—terms that have vague meanings and can be used for political reasons to target critical organizations or individuals.” (HRW, 27 January 2016)

The Pakistani newspaper The Express Tribune reports about harassment of civil society organisations, quoting statements made by the Pakistan Civil Society Forum (PCSF) in January 2015:

“The Pakistan Civil Society Forum (PCSF) on Saturday condemned the harassment of non government organisations (NGOs) by police in the name of assuring security. In a statement, Muhammad Tahseen, the PCSF secretary general, claimed that police were intimidating NGO workers. ‘Police have started visiting offices of NGOs in the Punjab and Khyber Pakhtunkhwa and interrogating workers about their programmes, activities and funding sources,’ he said. ‘They are also enquiring about the staff and volunteers in a manner which will hamper voluntary work and discourage efforts being undertaken for peace and democracy in Pakistan,’ Tahseen said. ‘This is alarming. Instead of targeting militant outfits involved in terrorism and isolating them, the government is trying to equate them with NGOs. It has given a free hand to law enforcing agencies to gag civil society,’ he said. He said it was high time the government publically identified organisations involved in preaching extremism and terrorist activities. He said that the civil society organisations had an unequivocal policy on terrorism and supported the efforts of the government and other state institutions to curb terrorist, sectarian and extremist elements. ‘Interrogating the civil society organisations will only harm the much-needed solidarity, unity and collective efforts of patriotic forces to fight terrorism.’”(The Express Tribune, 11 January 2015)

For more information on the treatment of civil society organisations see [section 9](#) of this compilation.

#### **4.4 Corruption of state security forces**

Transparency International Pakistan (TI Pakistan) provides an overview of the national structures fighting corruption in Pakistan:

“There is no specific unit within police dedicated to investigate corruption related cases, however, within the domain of Law Enforcement agencies National Accountability Bureau (NAB) is entitled by law to investigate cases pertaining to corruption within Police. Prior to the issuance of NAB Ordinance in 1999, Federal Investigation Authority (FIA) was responsible for looking after corruption related offences within Police, but since the ordinance NAB has been transferred the responsibility.” (TI Pakistan, 25 April 2014, p. 104)

The same report provides the following information regarding the legal framework for fighting corruption in Pakistan:

“In Pakistan, general criminal law of the land provides protection to all public servants from being prosecuted for acts done in the course of performing their duties and police officials cannot be prosecuted without prior permission of the employing government. But for any neglect, failure or excess committed by a police officer, and illegal activities such as extortion/ bribery, illegal confinement, police torture or refusal to register a police report etc. law enforcement officials are

answerable and a citizen is entitled to initiate either departmental/internal disciplinary proceedings, or can have recourse to other avenues. Few of these remedies such as Justice of Peace, the Federal/Provincial Ombudsmen and Citizens Police Liaison Committees (CPLCs) are merely directional and recommendatory in nature. Remedies that entail penal consequences include registering cases with the Federal Investigation Authority (FIA) and the National Accountability Bureau (NAB) that have authority to initiate investigations into allegations of corruption by law enforcement officials. The Higher Courts too, have the supervisory jurisdiction over administrative actions.” (TI Pakistan, 25 April 2014, p. 110)

The US Department of State (USDOS) also writes that the National Accountability Bureau (NAB) “serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement” (USDOS, 13 April 2016, section 4). It gives the following overview of the NAB’s work in the year 2015:

“The NAB launched a series of high-profile corruption inquiries against politicians and government officials. As of December, one of five cases against former president Zardari remained pending before the NAB, while four had been dismissed. Reports indicated that in December, authorities reinstated the NAB chair after he faced an investigation regarding his alleged involvement in a high-profile corruption scandal.” (USDOS, 13 April 2016, section 4)

In its annual report 2015, the National Accountability Bureau (NAB) provided the following numbers on recorded corruption cases and the money recovered thereof:

“During the year 2015, 29,996 x complaints were received at HQ / RNABs [Head Quarter/ Regional National Accountability Bureaus]. Bureau authorized 845 x inquiries and 452 x investigations in the same period. 596 x persons have admitted their guilt and opted / agreed to pay Rs. 7157.393 Million on account of Plea Bargain and Voluntary Return. Bureau recovered an amount of Rs.1092.34 Million and Rs. 3183.27 Million in the realm of Plea Bargain and Voluntary Return respectively. Besides, Rs. 5467 Million has been recovered from defaulters of electricity dues and in Eden Housing Case. Thus, making a cumulative recovery of Rs. 12.097 Billion in the Year 2015.” (NAB, 2015, p. 15)

The Immigration and Refugee Board of Canada (IRB) conducted a telephone interview with a professor with the Department of Sociology and Criminal Justice at the State University of New York who stated that the “NAB is more involved in ‘white collar crime and high-dollar cases,’ rather than individual complaints against police”. (IRB, 14 January 2016)

The USDOS report on human rights practices gives the following overview of corruption in Pakistan in 2015:

“The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices. Corruption was pervasive in politics and government, and various

politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

[...] Corruption within the lower levels of police was common. An April 2014 report by Transparency International asserted that the major causes of corruption were lack of accountability and low salaries. Some police charged fees to register genuine complaints and accepted bribes for registering false complaints.” (USDOS, 13 April 2016, section 4)

The above mentioned report from Transparency International Pakistan (TI Pakistan) provides the following information, which is partly derived from an interview with a police officer from Punjab, on police corruption:

“Despite efforts, Pakistan’s law enforcement agencies face a number of gaps in existing financial, human and infrastructural resources. Such insufficient resources, poor infrastructure, lack of weapons, intelligence technology, skilled personnel and training lead to certain degree of ineffectiveness in carrying out duties. Salaries are low, thus qualified and committed staff are not attracted to serve in the law enforcement.” (TI Pakistan, 25 April 2014, p. 103)

In June 2015, the Asian Legal Resource Centre (ALRC) reports about police corruption in a written statement to the UN Human Rights Commission giving the following account:

“Many police officers are known to have demanded ransom amounts to release detainees and have threatened family members that they will kill the detainee in a fake encounter if their demands are not met. In the case of Syed Faraz Alam, the family has reported that the police did not allow them to meet with him and demanded one million Pakistani Rupees as ransom. Corruption and State impunity are dominant factors behind extrajudicial killings in fake encounters. The State has given a free hand to law enforcers and this has resulted in such killings ballooning. According to Transparency International’s Corruption Perception Index 2014, the police department in Pakistan is the most corrupt of all State departments.” (ALRC, 5 June 2015)

The military has also been in the media in relation to corruption. Radio Free Europe/Radio Liberty (RFE/RL) reports in April 2016 that “Pakistan’s army chief General Raheel Sharif has reportedly dismissed at least 11 military officers from service over corruption charges” (RFE/RL, 21 April 2016). RFE/RL gives the following information:

“The officers include one lieutenant-general, one major-general, five brigadiers, and three colonels, military sources were quoted as saying on April 21. They said the officers were fired after an inquiry conducted within the army for more than one year. There has been no official confirmation. The news comes two days after Sharif said the war against terror cannot be won unless ‘the menace of corruption is uprooted.’ ‘Across-the-board accountability is necessary for the solidarity, integrity, and prosperity of Pakistan,’ he also said. It also comes as Prime Minister

Nawaz Sharif faces pressure over revelations made in the Panama Papers leak linking his family to a number of offshore companies.” (RFE/RL, 21 April 2016)

The online news aggregator The Huffington Post also writes about the recent corruption cases in the army stating that “[t]his is an extraordinary development given the fact that the military, the actual center for political power in the country, has historically silenced calls for accountability and transparency with regards to the perception about widespread corruption within its ranks”. According to the Huffington Post, “it requires enormous courage and also involves great risks for journalists and politicians to question the corruption in the army or seek accountability.” (The Huffington Post, 25 April 2016)

The Doha-based news broadcaster Al Jazeera published the following article by Tom Hussain, a journalist and Pakistan affairs analyst based in Islamabad, about recent events in the army as well as revelations from the Panama Papers:

“Corruption has penetrated every nook and cranny of the government apparatus, and from there to the business community, judiciary and media - even to the clergy. To most Pakistanis, the doors of opportunity are bolted shut because they lack the requisite cash and connections to access decision makers. [...] [T]he leaked Panama Papers revealed that the adult children of Prime Minister Nawaz Sharif (he is not related to General Sharif) have done business through offshore companies, along with 217 other Pakistanis, including the chairman of the Senate committee on tax reformation and a high court judge. Then the army chief publicly called for ‘across-the-board accountability’, in remarks that coincided with the prime minister boarding a flight from London to Islamabad, where demands for a judicial commission awaited him. That was followed by the unprecedented news, leaked by the army’s publicity wing, that 11 officers, including two generals, had been dismissed from service for corruption. Meanwhile, army sources say more leaked stories of ‘golden calves’ being booted out of the service for corruption are forthcoming, and charges will also be brought against General Sharif’s predecessor, Ashfaq Pervez Kayani, the target of long-standing allegations of corruption in connivance with the Pakistan People’s Party government of former president Asif Ali Zardari. Both have repudiated the allegations. If form is any indication, General Sharif is working to a two-year-old plan and intends to end his three-year term as army chief of staff at the end of 2016, having led the country to victory in its territorial war in the tribal areas, by cleansing the army itself of the sense of impunity that has long characterised it, politically. If General Sharif does take up the Kayani challenge, the implications are bound to be far-reaching. Assuming the Supreme Court agrees to form the commission, it would doubtless delve into the public record, which is chock full of politicians taking undue advantage of the government’s largesse.” (Al Jazeera, 28 April 2016)

#### **4.5 Allegations of violations of human rights and international humanitarian law**

The Human Rights and Democracy Report 2015 of the UK Foreign and Commonwealth Office (FCO) notes that “[s]erious human rights concerns persisted in 2015” (FCO, April 2016, p. 44). In a written statement submitted to the UN Human Rights Council (HRC) published in June

2015, the Asian Legal Resource Centre (ALRC) states that “[t]he injustice meted out to the people of Pakistan in the name of maintenance of law and order is unacceptable, arbitrary, and unlawful by all standards of international treaties, and even by the Pakistan Constitution and local laws” (ALRC, 5 June 2015).

In a report about military injustice in Pakistan from June 2016, the International Commission of Jurists (ICJ) writes that “the newly constituted system of ‘military justice’ has placed Pakistan in clear violation of its legal obligations and political commitments to respect the right to life, the right to a fair trial, and the independence and impartiality of the judiciary” (ICJ, June 2016, p. 3). The FCO Human Rights and Democracy Report 2015 refers to military courts, writing that there is “little information on these courts and no access to proceedings, making it impossible to assess their compliance with international obligations” (FCO, April 2016, p. 44).

In a written statement to the UN Human Rights Council published in February 2016, the Asian Legal Resource Centre (ALRC) writes about the death penalty in Pakistan and argues that the current anti-terrorism practices challenge the right to life and violate international humanitarian law:

“The Asian Legal Resource Centre (ALRC) would like to draw the UN Human Rights Council’s attention to the deteriorating human rights conditions in Pakistan, particularly regarding the right to life. [...] Pakistan’s lifting of the moratorium on the execution of death sentences while its criminal justice system is mired in corruption and injustice is a complete travesty. [...] Blind to justice and international norms, these Courts have been awarding death sentences to minors and even the mentally and physically challenged. [...] Executing juvenile convicts is illegal under international law. Proving age in Pakistan can be difficult, particularly in poor communities, where many births are not registered [...]

Pakistan’s labyrinthine and archaic investigation and prosecution makes it an uphill task for a person wrongfully convicted to prove his innocence. Furthermore, confessions are extracted using third degree torture, resulting in the miscarriage of justice. The state of the country’s criminal justice system is such that it is used to punish the underprivileged and vulnerable, the very group it is meant to protect. Take the case of Khizar Hayat, a schizophrenic, whose mental state deteriorated due to 17 years spent on death row in Pakistan. Due to relentless civil society efforts, the execution of Khizar’s death warrant was delayed to allow for a proper medical evaluation. But the State remains determined to hang him till his death. [...]

A paraplegic, 43-year-old Abdul Basit, also faces the gallows. [...] Khizar and Abdul Basit’s death warrants are in violation of the UN Convention on the Rights of Persons with Disabilities, which Pakistan ratified in 2011. The UN Commission on Human Rights adopted resolutions in 1999 and 2000 urging countries that retain the death penalty not to impose it ‘on a person suffering from any form of mental disorder’ [...]

The executions violate the prohibition on the execution of juveniles set out in Article 6 of the ICCPR [International Covenant on Civil and Political Rights] and Article 37 of the UN Convention on the Rights of the Child. Article 9 of the Constitution states, 'No Person shall be deprived of life or liberty save in accordance with law,' yet the country's civilian and military courts are sentencing people without following due process.

Even the façade of the rule of law has taken a back seat as the State gropes in the dark to deter terrorism with judicial and quasi-judicial terror. The government of Pakistan has decided to execute 8,000 prisoners before the general elections of 2018 to claim that it has followed the rule of law. When the moratorium [on death penalty] was lifted, the government promised that hangings would help deter Islamist militants, yet less than one in six executions were linked to militancy. This is a clear violation of Article 6(2) of the ICCPR, which states, 'In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime.' (ALRC, 19 February 2016, pp. 2-3)

In an Amnesty International (AI) Urgent Action from April 2016, AI also refers to the death sentence of Abdul Basit and criticises the Pakistani government for violating the International Covenant on Civil and Political Rights (ICCPR) and to undermine the right to fair trial as well as the right to life:

"The death penalty may be imposed in Pakistan for at least 27 crimes, including for non-lethal offences which do not meet the threshold of the 'most serious crimes' to which the use of the death penalty must be restricted under Article 6.2 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a State party. [...]

In Pakistan many death sentences are handed down following trials that do not meet international fair trial standards. These trials are characterized by a lack of access to legal counsel and an acceptance of evidence inadmissible under international law. Statements extracted through torture continue to be used as evidence in court. [...]

In addition, the right to fair trial has been undermined in trials before lower courts which continue to sentence people to death. These courts operate with restricted public access and with the requirement for trials to be completed within a matter of days or weeks, putting judges under extreme pressure to convict. In 2012 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that military or other special jurisdictions should not have the authority to impose the death penalty." (AI, 26 April 2016, p. 2)

Human Rights Watch (HRW) reports about the scheduled execution of Abdul Basit, stating that the death penalty in Pakistan "is inconsistent with international human rights law, according to statements of United Nations human rights experts and various UN bodies". This is the case "because of the fundamental nature of the right to life, the unacceptable risk of executing

innocent people, and the absence of proof that the death penalty serves as a deterrent to crime.” (HRW, 20 September 2015)

In July 2015, the UN Office of the High Commissioner for Human Rights (OHCHR) reports that “[a] group of United Nations human rights experts have called on Pakistan to halt further executions and to commute without delay the sentences of those on death row, as the toll in hangings have raised significantly over the past few months” (OHCHR, 29 July 2015). The United Nations Special Rapporteur on the right to health, Dainius Pûras, reportedly said that “[w]e call on the authorities of Pakistan to protect the right to health of Abdul Basit and Khizar Hayat, and other inmates in death row with severe psychosocial disabilities, irrespective of their legal situation, guaranteeing their access to the health services required by their situation” (OHCHR, 29 July 2015).

Please see [section 6.2](#) of this compilation for more information about the death penalty in Pakistan.

In an Urgent Action from January 2016, Amnesty International (AI) criticised the Pakistani government for its treatment of human rights defenders stating that “[u]nder Article 2 of the UN Declaration on Human Rights Defenders, each state has a duty to create the conditions necessary to defend human rights within their jurisdictions.” According to AI, “human rights defenders in Pakistan continue to be arrested, detained and imprisoned simply for their involvement in peaceful activities” (AI, 29 January 2016, p. 2). Christian Solidarity Worldwide (CSW) has also published a statement in order “to draw the Human Rights Council’s attention to the challenges faced by lawyers, human rights defenders and judges in the Islamic Republic of Pakistan who work [...] on sensitive human rights issues such as blasphemy cases, and who pursue justice for religious minorities” (CSW, 7 September 2015).

For information on the treatment of human rights defenders and civil society organisations in Pakistan please see [section 9](#) of this compilation.

A January 2016 statement of the UN Office of the High Commissioner for Human Rights (OHCHR) noted that the government of Pakistan has been urged to ensure the “right to an adequate standard of living including housing and cultural rights as defined in international human rights laws” by two UN Special Rapporteurs (OHCHR, 22 January 2016). Referring to two United Nation experts, including the United Nations Special Rapporteur on the right to adequate housing, Leilani Farha, the OHCHR notes that construction work of the Orange metro line in Lahore “which has resulted in numerous forced evictions and threatens a large number of protected heritage sites and historic buildings” should be halted. According to the OHCHR statement, Ms. Farha “expressed concern about the lack of resettlement and compensation schemes for people who will lose their homes as construction of the line advances, especially since many in the affected area live well below the poverty line” (OHCHR, 22 January 2016).

#### **4.6 Forced and/or child recruitment**

The CIA World Factbook writes that the age for voluntary military service in Pakistan is 16 to 23 years and that soldiers cannot be deployed for combat until the age of 18 (CIA, last updated

11 July 2016). The Overseas Development Institute (ODI), an independent think tank from the UK, notes that “[s]election is highly competitive, but once recruited members of the military and their families enjoy extensive support, including medical care at well-equipped facilities and a patronage network” (ODI, March 2014, p. 5).

In an alternative report to the Committee on the Rights of the Child from July 2015, the UK-based NGO Child Soldier International notes that “[w]hile the Pakistan armed forces do not officially deploy children into active military combat, there are ancillary forces that do not follow the same regulations” (Child Soldiers International, July 2015, p. 5). The report further provides insights into regulations that could lead to the recruitment under-18s:

“For instance, law and order in the Federally-Administered Tribal Areas (FATA), where the fundamental law is the Frontier Crimes Regulation of 1901, not the Constitution of Pakistan, is maintained by the Khassadars (local tribal police) and Levies force, with the Frontier Corps also playing an important role. Although Khassadars are supported by government funds, channelled through the Political Agent (the government of Pakistan’s representative in the FATA), tribal policing draws on principles of tribal justice and the tribal honour code. This means that recruitment rules are determined by the tribe—and because of the separate constitutional status of the FATA, tribal decisions are not subject to the Constitution or legislation of the ‘settled’ areas of Pakistan. No restrictions on the recruitment of under-18s appear in the Frontier Crimes Regulation—indeed the Regulation contains no mention of any distinction between juveniles and adults in law. Tribal custom tends to dictate that boys become adult when they are able to fulfil an adult role; attaining a specific age is not the primary determinant of adulthood. In the absence of specific provisions and age determination procedures, there is a likelihood of under-18s serving as Khassadars if nominated by tribal authorities for this role. In principle, however, being a Khassadar is a responsible position that conveys status in the tribal community, which suggests that those selected might tend to be more mature.” (Child Soldiers International, July 2015, pp. 5-6)

In January 2013, the International Crisis Group (ICG) also reports about forced recruitment of locals for joining informal state-supported militias (lashkars):

“While these militias have been given considerable local power, not all those joining them do so voluntarily. Many locals are forced to form or join lashkars and then fight alongside the military during operations. A Swat resident said, ‘the army was supposed to come here to provide us with security. Now we’re told that we have to provide them with security’. Another commented: ‘They [lashkar members] are told to pick up a gun, but with absolutely no rules of the game’. Many coerced to join such militias are neither trained nor even want to use weapons but are forced to assume considerable personal risk by combating well-trained and motivated militants.” (ICG, 15 January 2013, p. 21)

Among the sources consulted no further information could be found regarding this issue.

## 5 Rule of law and administration of justice

### 5.1 Criminal justice system

The UN Office on Drugs and Crime (UNODC) points out that “[s]ystems of criminal justice in Pakistan are diverse, ranging from informal dispute resolution to formal adjudication based on common law principles” (UNODC Pakistan, undated). In its 2015 report about the state of human rights in Pakistan, the Asian Human Rights Commission (AHRC), a non-governmental organisation consisting of jurists and human rights activists advocating for human rights in the Asian region, states that “Pakistan’s criminal justice system is hypocritical and elitist, punishing the poor man caught in a petty crime, while allowing those with deep pockets to get away with murder” (AHRC, 10 December 2015, p. 16).

Point 20 of the National Action Plan (NAP) against terrorism aims at “[r]evamping and reforming the criminal justice system” (for a description of the NAP, please see [section 4.2.1](#) of this compilation). In May 2016, the International Crisis Group (ICG) gives the following assessment of the criminal justice system and the lack of achievements in regard to the NAP:

“Most significantly, reform of the criminal justice system is another major NAP objective that appears to have fallen by the wayside, thus undermining efforts to counter extremist violence. Instead, there is increasing reliance on brute, misdirected force, while the law-enforcement institutions – police, prosecutors, and courts – are underresourced and, amid new military courts and the rising authority of paramilitary agencies, increasingly marginalised. The woefully low conviction rate, particularly in major terrorism cases, embodies the failure. [...] To counter immediate and pressing security challenges, the federal and provincial governments should concentrate efforts on ending the climate of impunity, particularly by enforcing the law against jihadist organisations through a reformed and modernised criminal justice system. The federal government should repeal discriminatory Islamic legislation, most of it from the Zia era, which facilitates radicalism and reinforces religious, sectarian and gender discrimination and exclusion.” (ICG, 30 May 2016, pp. 20-21)

In June 2016, the International Commission of Jurists (ICJ) writes that “as of the time of publication of this Briefing Paper, there is little sign of the promised reforms to strengthen the ordinary criminal justice system to effectively handle terrorism-related cases” (ICJ, June 2016, p. 3). The ICJ briefing paper also explains that in May 2016 a Criminal Laws (Amendment) Act was passed by the National Assembly, but argues that it “does not address the specific problems with the criminal justice system that were used as a justification for the trial of terrorism related offences in military courts” (ICJ, June 2016, p. 3). The ICJ gives the following summary of the Criminal Laws (Amendment) Act and its shortcomings:

“In May 2016, the National Assembly (lower house of parliament) passed a bill to strengthen the criminal justice system and ‘root out the evil of terrorism with exemplary deterrence’. The bill proposes the following amendments: introduce a vaguely framed offence that makes wounding religious feelings through words (including using loudspeakers) or gestures punishable with one to three years

imprisonment; increase the minimum sentence for ‘forced marriage’ from three to five years imprisonment if the victim is a minor or a non-Muslim; increase the sentence for police officers guilty of ‘neglect/violation of duty’ from three months to three years imprisonment; make convictions on the basis of ‘modern techniques’ lawful (previously the law gave the court discretion to allow evidence based on modern techniques to be produced); introduce a new crime of ‘lynching’ in the Anti-terrorism Act, 1997, punishable with three years imprisonment; and introduce long imprisonment sentences (five to seven years) for people who provide ‘false information’ in criminal cases where the prescribed penalty is life imprisonment or death sentence, and one fourth of the sentence in other cases.

These amendments fail to respond to the specific weaknesses of the criminal justice system that were used as the justification for establishing military courts to try terrorism-related cases. For example, they do not respond to the issue of prolonged delays in trials before anti-terrorism and regular criminal courts; lack of adequate witness protection; and allegations that judgments of civilian courts are influenced by external factors.” (ICJ, June 2016, pp. 8-9)

In August 2016, the above-mentioned Criminal Laws (Amendment) Act, 2016, is listed on the website of the National Assembly of Pakistan as a bill passed by the National Assembly on 20 May 2016 (National Assembly, undated (k)). However, as of 10 August 2016, the Senate of Pakistan still lists it as a Government Bill which was received on 24 May 2016 but has yet to be passed (Senate of Pakistan, undated (b)).

In its Transformation Index 2016, the Bertelsmann Stiftung writes that “the establishment of military courts has tilted the balance of power in favour of the military and weakened the judiciary by erecting a parallel criminal justice system” (Bertelsmann Stiftung, 2016, p. 2). For a discussion of the military courts in Pakistan, please see [section 4.2.2](#) of this compilation.

Another criminal justice system exists in the form of Sharia law. The Freedom in the World report from Freedom House, covering the year 2015, explains that “[a] separate Federal Sharia Court is empowered to determine whether a provision of law goes against Islamic injunctions”. Additionally, “[s]ome communities resort to informal forms of justice, leading to decisions outside formal safeguards.” (Freedom House, 27 January 2016)

For a brief overview of the legal and judicial institutions in Pakistan please see [section 1.4](#) of this compilation.

According to the Federal Judicial Academy, a training institute for judges, law officers, court personnel and other professionals in the justice sector in Pakistan, the Federal Shari’a Court has “been the subject of controversy in the country” since it has been established in 1980 (Federal Judicial Academy, May 2015, p. 14). The Federal Judicial Academy gives the following summary of criticism surrounding the Sharia Court:

“Created as an Islamisation measure by the Military regime and subsequently protected under the controversial 8th Amendment, its opponents question the

very rationale and utility of this institution. It is argued that this Court merely duplicates the functions of the existing superior courts. The composition of the Court, particularly the loose qualifications of judges and the insecurity of their tenure, is taken exception to; and it is alleged, that this Court does not fully meet the criterion prescribed for the independence of the judiciary, hence, susceptible to pressure and influence from the Executive. In the past, this Court was used as a dumping ground for the recalcitrant judges. And whereas some of its judgments, particularly the ones which relying on the Islamic concept of equity, justice and fair play, expanded and enlarged the scope and contents of individual's rights were commended, others that validated the controversial Hudood laws, in particular, the sentence of Rajam (stoning to death) are severely criticised and deplored." (Federal Judicial Academy, May 2015, p. 14)

In its human rights report covering the year 2015, the US Department of State (USDOS) writes about other parallel and/or informal justice systems, providing the following information:

"Informal justice systems lacking institutionalized legal protections continued, especially in rural areas, and often resulted in human rights abuses. Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, at times held local council meetings (known as panchayats or jirgas), in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties, including fines, imprisonment, and sometimes the death penalty. These councils often sentenced women to violent punishment or death for so-called honor-related crimes. In Pashtun areas, primarily in FATA, such councils were held under FCR guidelines. Assistant political agents, supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to their interpretation of Islamic law and tribal custom. The Pashtunwali code of conduct obligates a man, his family, and his tribe to take revenge for wrongs, real or perceived, to redeem their honor." (USDOS, 13 April 2016, section 1e)

The same report also explains that collective punishment is still practiced in some regions:

"The practice of collective punishment continued in FATA and Provincially Administered Tribal Areas (PATA), as provided for in the 114-year-old 'Frontier Crimes Regulation' (FCR), which governs FATA. In 2011 the government amended the FCR to exempt women, all individuals over age 65, and children below age 16 from collective punishment. Authorities apply collective punishment incrementally, starting with the first immediate male family members, followed by the subtribe, and continuing outward. Although this graduated approach reduces its scope, the FCR assigns collective punishment without regard to individual rights. Human rights NGOs expressed concern about the concept of collective responsibility, as authorities used employed to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition." (USDOS, 13 April 2016, section 1c)

Additionally, the USDOS notes that “[t]he jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated under separate judicial systems” and that “Azad Jammu and Kashmir (AJK) has its own elected president, prime minister, legislature, and court system” and “Gilgit-Baltistan also has a separate judicial system” (USDOS, 13 April 2016, section 1e). Freedom House describes that the FATA “are governed by the president and federal administration under the Frontier Crimes Regulation (FCR), and lie outside the jurisdiction of the Pakistan Supreme Court.” The government’s political agent and tribal leaders are authorized by the FCR to apply customary law and it “provides for collective punishment” (Freedom House, 27 January 2016). According to the same report, “the government announced a new committee to consider options for reforming the FATA that would improve safety in the region and potentially fold them into one of Pakistan’s other provinces” in November 2015 (Freedom House, 27 January 2016), however, no reforms have been implemented at the time of the publication of this compilation (Express Tribune, 5 July 2016; Dawn, 13 June 2016a; TNN, 31 July 2016).

## 5.2 Judicial independence

The US Department of State (USDOS) writes in its human rights report covering the year 2015, that “[t]he law provides for an independent judiciary, but the judiciary often was subjected to external influences, such as fear of reprisal from extremist elements in terrorism or blasphemy cases.” However, it also states that “[t]he media and the public generally considered the high courts and the Supreme Court credible.” Referring to lower courts, the USDOS points out that many of them “remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious and/or political figures” (USDOS, 13 April 2016, section 1e). Transparency International Pakistan (TI Pakistan) provides an overview of the relevant constitutional provisions and the relevant laws aiming to ensure judicial independence:

“The Constitution and other laws contain legal provisions designed to protect and safeguard the independence of Judiciary to a great extent. The Objectives Resolution, the preamble and Article 2A of the 1973 Constitution provide for the independence of the Judiciary. [...] Financial control, creation and abolition of judicial posts, composition, qualification, conditions of service and removal of judges of superior courts too are specifically provided for [in the Constitution]. The regulations for the appointments of judges of various courts have been laid down in the Articles 175(A) of the Constitution of Pakistan. [...] The procedure for removal of Judges of Superior courts is also outlined in the Constitution. The Constitution guarantees the security of the tenure of judges and no Judge of superior judiciary can be removed except for, through the Supreme Judicial Council comprising Chief Justice of Pakistan, two next most senior judges of the Supreme Court and two most senior chief justices of the High Courts. [...]

Another constitutional safeguard against undue influence, provided to the judges of Superior Courts is in the form of Contempt of Court proceedings, wherein the court has the power to punish any person who disobeys courts’ orders, scandalizes it, abuses, interferes with or obstructs the process of the court. For subordinate courts, the terms and conditions of service of judicial officers, their recruitment, promotions and disciplinary proceedings are dealt with under the provincial laws.

Initial recruitment is made through the various Provincial Public Service Commissions with the active involvement of the respective High Courts. Matters pertaining to promotions and removal on account of misconduct or corruption, of judges of district judiciary are also decided by the committee of High Court Judges.” (TI Pakistan, 25 April 2014, pp. 64- 65)

The same report from TI Pakistan also points out that “[t]he present constitutional conventions and safeguards for Pakistan’s superior judiciary have survived a number of coups d’état, upheavals and politically motivated movements.” TI Pakistan specifies:

“There have been a number of attempts to control the judiciary both, under the martial law and the civil rule. It is alleged that the superior courts and judges, through amendments in the Constitution have been subject to forced removal, unconstitutional and merit-less appointments based on nepotism, political patronage, and favouritism and out of turn elevations.” (TI Pakistan, 25 April 2014, p. 66)

The Asian Human Rights Commission (AHRC) writes in its report from 2015 that “[w]hat prevents justice in Pakistan is deep institutional ailments within the Judiciary and the environment that the government and the powers fail to provide to ensure an independent and accountable Judiciary, bolstered by respect for the supremacy of law.” (AHRC, 10 December 2015, p. 14). In January 2016, Freedom House writes, however, that “[o]ver the last decade, executive interference in the higher judiciary has decreased, and the judiciary in some cases holds the executive to account.” but that “the broader justice system is marred by endemic problems including corruption, intimidation, a large backlog of cases, insecurity, and low conviction rates for serious crimes” (Freedom House, 27 January 2016). Based on an interview with a retired justice, TI Pakistan further gives the following overview of judicial independence in Pakistan as well as recent historical developments in this regard:

“The independence of the judiciary has many times been interpreted by the superior courts themselves. According to the rulings, Judiciary is independent of the Executive and the Legislature and has jurisdiction over all issues of a judicial nature. Judicial independence has been construed by Supreme Court as freedom to decide matters in accordance with law without improper direct/indirect influences, inducements or pressures, from any quarter. However, public support for the ‘revival of judiciary /‘Lawyer’s Movement’ was first of its kind in the history of Pakistan, and came after half a century of the imposition of the first Martial Law in 1958 but it marked a significant turning point for the independence of the judiciary. The restored judiciary formulated the National Judicial Policy (NJP), 2009 for serious reforms for the judiciary, to clear back log and for early dispensation of justice.” (TI Pakistan, 25 April 2014, p. 67)

The events leading to the above-mentioned “Lawyer’s Movement” are described in a report on a May 2012 mission to Pakistan of the Special Rapporteur on the independence of judges and lawyers, published by the UN Human Rights Council (HRC) in April 2013:

“One of the most recent judicial crises started on 9 March 2007 when then President, Pervez Musharraf, dismissed the Chief Justice of the Supreme Court, Iftikhar Chaudhry. The crisis was aggravated in November 2007 when President Musharraf issued a proclamation of emergency and a Provisional Constitutional Order, designed to forestall constitutional challenge to the legitimacy of his holding simultaneously the position of President and Chief of Army Staff. [...]

The crisis led to a major rallying of the legal profession and civil society against President Musharraf’s rule, known as the Lawyer’s Movement, which spearheaded the social unrest that ultimately led to the lifting of the emergency on 15 December 2007 and fresh elections in February 2008, restoring constitutional order. On 22 March 2009, Iftikhar Chaudhry was reinstated as Chief Justice, and subsequently, all other judges who had been dismissed were also reappointed after the Supreme Court declared that the 2007 Provisional Constitutional Order, the Oath of Office (Judges) Order and all judicial appointments made by the Chief Justice during that period were null, void and illegal.” (HRC, 4 April 2013, p. 5)

Subsequently, former president Pervez Musharraf faced charges against him in March 2014. Freedom House writes the following on the events in its report covering the year 2014:

“In a potential milestone for the rule of law in Pakistan, former military ruler and president Pervez Musharraf was formally indicted in March 2014 on charges of subverting the constitution through an emergency decree and other actions in 2007 that included the removal of many top judges. At year’s end, it remained unclear whether the civilian authorities would be able to pursue the trial to completion in the face of reported resistance from the military.” (Freedom House, 28 January 2015)

In March 2016 former President Pervez Musharraf was allowed to leave the country without being prosecuted. The British newspaper The Guardian reports the following on the case:

“Pakistan’s former president Pervez Musharraf slipped out of the country in the early hours of Friday morning in a move widely interpreted as a sign the government has conceded defeat at the hands of an all-powerful military establishment. [...] He had been prevented from leaving since April 2013, soon after he returned from self-imposed exile and became embroiled in a series of legal cases, including a historic government-initiated high treason trial. [...] A successful prosecution would not only have risked a potential death sentence, it would also have amounted to an extraordinary challenge to the power and prestige of the country’s dominant military class.” (The Guardian, 18 March 2016)

Briefly referring to the so-called “lawyer’s movement” and its repercussions, the International Committee of Jurists’ (ICJ) report of 2015 provides the following summary on judicial independence in Pakistan with a special focus on cases that involve charges related to religion and blasphemy:

“In Pakistan, there has been much talk about judicial independence, particularly since a public movement helped reinstate former Chief Justice Iftikhar Chaudhry. The Supreme Court has frequently emphasized the importance of an independent judiciary and its link with protecting human rights. [...] The right of a trial before an independent and impartial judiciary is reduced to mere rhetoric in many cases involving offences against religion, especially in trial court proceedings where the accused is alleged to have committed blasphemy against the Prophet Muhammad. In such cases, not only are there serious doubts about the independence of courts, but the impartiality of individual judges also, at times, appears compromised. In Pakistan, independence of the judiciary is often understood narrowly to only mean absence of political interference in the judiciary’s affairs. But international standards, including the International Covenant on Civil and Political Rights (ICCPR), provide a much broader meaning: judicial independence also encompasses protection of judges, in law and in practice, from threats, harassment, reprisals or attacks, both from state and non-state actors.” (ICJ, November 2015, p. 33)

The Human Rights Commission of Pakistan (HRCP) gives further insights regarding such challenges to judicial independence in blasphemy cases:

“In Pakistan the fundamental right of fair trial ‘with regard to the application of blasphemy law is hard to realize for two primary reasons. First, judges ‘who hear blasphemy cases, especially at the trial level, are often harassed and threatened to ensure that suspects are convicted. Where hearings are public, courtrooms have been seen to be packed with hostile crowds chanting slogans against the accused and creating a fear in the judiciary if it acts against public sentiment. As such in the case against Mumtaz Qadri, who confessed to the murder of the Punjab governor, Salman Taseer for saying that the blasphemy law needed a review, the judge presiding over the case was forced to leave the country after receiving death threats.

Second, the judges often themselves lack impartiality when it comes to such cases, and the vague wording of the blasphemy law allows personal predilections to be drawn into judgments. Numerous defence lawyers have noted that in blasphemy cases judges often appear more like aggrieved parties than neutral arbiters of the case. Considerable abuse of the blasphemy laws to settle personal vendetta is something that the superior court judges have noticed. [...]

The year 2015, however, witnessed a change in the tide of the application of blasphemy law. [...] Early in 2015, the Islamabad High Court upheld Mumtaz Qadri’s death sentence, but overturned his conviction under Section 7 of the Anti-Terrorism Act. On appeal, the Supreme Court’s judgment upheld the appellant’s death sentence for the offences of terrorism and murder committed by him.” (HRCP, March 2016, administration of justice, pp. 6-8)

The same report also outlines that in October 2015, “the Supreme Court issued a detailed judgment warning that in Islam a false accusation can be as serious as the blasphemy itself”

(HRCP, March 2016, administration of justice, p. 8). The HRCP assesses that “[i]t is hoped that the recent Supreme Court decision will help bring about a change in the low evidentiary requirements currently needed to convict the accused, the rampant judicial bias, and the general climate of fear with regard to the blasphemy law” (HRCP, March 2016, administration of justice, p. 11). Reema Omer, legal adviser in Pakistan for the International Commission of Jurists (ICJ) writes in an opinion piece published by the ICJ that “Chief Justice Anwar Zaheer Jamali has declared the year 2015-2016 as the year of judicial accountability” (ICJ, 23 May 2016). She continues to state:

“Chief Justice Jamali’s focus on accountability within the judiciary is welcome, as corruption in the judiciary is a longstanding and chronic issue in Pakistan. Transparency International’s corruption perception surveys, for example, frequently place the judiciary as the most corrupt institution in the country (along with the police). [...]

The most glaring (and damaging) recent example occurred after General Musharraf’s proclamation of emergency in 2007, when the unlawful sacking of then Chief Justice Iftikhar Muhammad Chaudhry and other judges of the high courts and Supreme Court was justified in the name of ‘judicial accountability’. [...]

While the current understanding of misconduct seems limited to financial corruption, nepotism and misuse of authority, perhaps what is also needed is the recognition of the role of judges in undermining human rights protections or facilitating violations or impunity for such violations. One of the ways this can be done is to revise the judicial code of conduct to bring it in line with international standards, including reflecting the duty of judges to guarantee and protect human rights. And finally, judicial immunity under section 77 of the Penal Code and other provisions of the law, which protect judges from liability resulting from their ‘good faith’ judicial actions, should never insulate judges from prosecution for serious crimes and crimes under international law. If carried out fairly, expeditiously and transparently, the judicial accountability drive initiated by the Chief Justice can be a step towards restoring public confidence and trust in the judiciary, which has long suffered because of neglect of the problems plaguing the institution. It will also bring Pakistan closer to an independent judiciary, in a truer sense of the term.” (ICJ, 23 May 2016)

### 5.3 Corruption in the judicial system

In its human rights report covering the year 2015, the US Department of State (USDOS) provides the following summary about corruption in the judicial system:

“Anecdotal reports persisted about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower courts reportedly remained corrupt, inefficient, and subject to pressure from higher-ranking judges as well as prominent, wealthy, religious, and political figures.” (USDOS, 13 April 2016, section 4)

The Human Rights Commission of Pakistan (HRCP) writes that the year 2015 “started off with the Supreme Court taking note of the increase in corruption in the country at various levels, targeting high profile individuals and cases” (HRCP, March 2016, administration of justice, p. 15). Consequently, the HRCP issues the following recommendation in its yearly report 2016:

“The judiciary should seriously work to erase the impression of corruption within its ranks. This includes ensuring that lawyers are also doing their jobs with integrity and the bar councils are safeguarding the legal community from corrupt practices and general misconduct. Once the perception of the judicial complex has improved, the judiciary can focus on purging other institutions of state of such practices as well.” (HRCP, March 2016, administration of justice, p. 18)

In 2015, the Asian Human Rights Commission (AHRC) provides the following information about corruption in the judicial system in Pakistan:

“On 30 July 2015, the Chief Justice of the Sindh High Court, Faisal Arab, dismissed three judges on charges of corruption. And, on 8 October 2015, the Lahore High Court dismissed 12 judges of Punjab’s subordinate judiciary over corruption charges. According to media reports, these are seven additional session judges, two senior civil judges, and three civil judges that have been dismissed. The dismissal of members of the lower Judiciary has given the impression that the Judiciary is working towards accountability. While addressing the Senate for the first time in the country’s history, on 3 November 2015, the Chief Justice of Pakistan, Anwar Zaheer Jamali, said that the elected representatives are answerable to the people and that the requirements of the mandate are not being fulfilled. He said that state policies must ensure supremacy of the law and that the government needs to ensure a conducive environment for the same. And, he also admitted that supervision to check the quality of judgments delivered is lacking.” (AHRC, 10 December 2015, pp. 13-14)

Transparency International Pakistan (TI Pakistan) notes that “[s]ince the implementation of the National Judicial Reforms 2009, things have been improving” (TI Pakistan, 25 April 2014, p. 75). Citing various newspaper articles from the years 2009 to 2012, TI Pakistan provides the following summary:

“A recent example of integrity has been set by the sitting Chief Justice of Supreme Court, who stepped down from the bench refusing hearing a case involving his son. In 2009, the National Judicial Policy Making Committee (NJPMC) barred the Superior courts’ judges from holding executive offices. The Higher Courts too, have been quite active in monitoring the subordinate judiciary. For instance, the Lahore High Court directed all judicial officers of the subordinate judiciary in the province to declare their income and assets from 2011 to 2012 by 31st of July 2012. A number of judges have been removed/reprimanded and proceeded against on grounds of misconduct and corruption charges. In some cases, orders were passed by the High Court to stop judges from conducting judicial work after finding them guilty of misusing judicial authority, dishonesty and corruption, in an inquiry conducted on complaints against them.” (TI Pakistan, 25 April 2014, p. 75)

Freedom House describes and assesses 2009 judiciary reforms in its 2014 report:

“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.” (Freedom House, 23 January 2014)

For its Transformation Index 2016, the Bertelsmann Stiftung provides the following information on corruption of the judiciary:

“In 2013, when Iftikhar Chaudhary was Chief Justice of the Supreme Court, the country saw massive overreach by the judiciary. Several suo moto actions were taken by the Chief Justice. Corruption, delay in justice and inefficiency are the hallmarks of the judiciary in Pakistan. In his last year in office in 2013, Chief Justice Iftikhar Chaudhry took excessive suo moto actions, burdening the judiciary with excessive work and increasing its inefficiency. Incidents of corruption and nepotism are rife in the lower judiciary. In addition, the judiciary has been unable to probe into issues related to the military, such as Musharraf’s trial and missing persons.” (Bertelsmann Stiftung, 2016, p. 9)

#### 5.4 Security concerns

The US Department of State (USDOS) reports that in 2015 “[t]here were instances in which unknown persons threatened and/or killed witnesses, prosecutors, or investigating police officers in high-level cases” (USDOS, 13 April 2016, section 1e).

Christian Solidarity Worldwide (CSW) published a written statement on the situation of human rights, judges and human rights defenders in Pakistan in September 2015. While mainly referring to lawyers dealing with blasphemy cases, the statement also notes that the harassment of lawyers in Pakistan appears to be “systematic” and therefore is likely to extend to most lawyers involved with sensitive cases:

“According to CSW’s partners in Pakistan, the situation for lawyers and judges has worsened in recent years. The volatile security situation, growing religious fundamentalism, and complex political circumstances in Pakistan make their work very dangerous. Activists, lawyers and, district level judiciary have been threatened and killed throughout Pakistan, and those responsible for these violations continue to enjoy widespread impunity. Threats to HRDs [Human Rights Defenders] stem from multiple quarters, including state and non-state actors and religious and political groups, and in some cases the local community, district administration and police. [...]

This year in May, lawyers Rana Khalid Abbas and Irfan Chauhan were killed by police in a demonstration by lawyers regarding an anti-encroachment operation in the city of Daska, Punjab.

CSW has received reliable information about various forms of harassment experienced by lawyers defending people accused of blasphemy. The lawyers face frequent intimidation and harassment, both in their homes and in the courtroom. They are frequently barred from entering courtrooms or judge's chambers. Once in the courtroom, they may face hostility from violent mobs. Religious extremist organisations regularly attend court hearings in order to intimidate the defence counsel and increase tensions by chanting religious verses and slogans. Extremist organisations such as Sipah-e-Sahaba Pakistan (SSP) often organise busloads of protesters for this purpose. [...]

Lawyers dealing with blasphemy cases and rights of minorities continue to face violence and harassment in Pakistan, and the examples above illustrate the nature of this harassment. However, the harassment remains systematic and is likely to affect most lawyers who deal with sensitive cases." (CSW, 7 September 2015)

The CSW continues to describe the current situation of judges as follows:

"Judges also face significant challenges, which can undermine their independence and that of the legal system. Several judges have been physically attacked and threatened with torture even during the court hearings. Many judges are afraid to hear prominent minority cases for fear of reprisal, making progress in these cases painfully slow. In 2011 Pervez Ali Shah, the judge who sentenced Governor Salman Taseer's murderer to death, had to leave Pakistan following harassment and death threats. In August 2015, district and sessions judge Tahir Khan Niazi was shot and later died after an attack by Tehreek-e-Taliban (TTP) in Rawalpindi. [...] The government of Pakistan fails to provide protection for and guarantee the human rights of lawyers, judges and human rights defenders operating in the country. The harassment of lawyers and judges violates fundamental human rights and undermines the rule of law and the independence and integrity of the courts, as well as the democratic development of Pakistani society." (CSW, 7 September 2015)

For further information on the treatment of human rights lawyers please see [section 9](#) of this compilation.

In a report on the implementation of Pakistan's blasphemy laws from November 2015, the International Committee of Jurists (ICJ) elaborates on the harassment of judges who are working on blasphemy cases, giving the following assessment:

"Judges who hear blasphemy cases have reported being harassed, intimidated, and threatened to convict individuals accused of committing blasphemy. Some judges have reported receiving letters and phone calls warning them of attacks against themselves and their families if defendants in blasphemy cases are acquitted. [...] Recently, Judge Pervez Ali Shah was forced to leave the country after getting death threats. The threats came in conjunction with his presiding over the trial in which Mumtaz Qadri was convicted for the murder of former Governor of Punjab, Salman

Taseer. Mumtaz Qadri confessed that he killed Salman Taseer, as he believed the Governor had committed blasphemy.” (ICJ, November 2015, p. 33)

In a briefing paper on military injustice in Pakistan from June 2016, the ICJ outlines that the safety of civilian judges also fuelled the argument for the establishment of military courts:

“Another rationale offered for trials of terrorism-related acts before military courts was that civilian judges, as well as their families, are at greater risk of threats, intimidation and violence than military officers, including those who serve as judges on military courts. Instead of investing in improve security for the judiciary, the Government indicated that it was unable to provide security to civilian judges, prosecutors and witnesses in terrorism cases, and therefore had to rely on military courts, which is claimed enjoyed greater security.” (ICJ, June 2016, p. 8)

For more information on military courts, please see [section 4.2.2](#) of this compilation.

In August 2016 a suicide bombing that killed at least 70 people went off at a hospital in the city of Quetta, reportedly targeting a crowd of lawyers and journalist who “gathered as the body of a prominent lawyer murdered earlier on Monday, Bilal Kasi, was being brought in”. (BBC News, 8 August 2016). The BBC reports the following on the attack:

“Lawyers and journalists were among the dead. About 120 people were injured. The Taliban faction, Jamaat-ul-Ahrar, said it was behind both the hospital attack and the killing of Mr Kasi. He was head of the Balochistan province bar association. He was shot while on his way to the court complex in Quetta. [...] Balochistan, Pakistan’s poorest province, has long been plagued by insurgency. A number of people, including lawyers, have been murdered in Quetta in recent weeks. Mr Kasi had strongly condemned those attacks. He had announced a two-day boycott of court sessions in protest at the killing of a colleague last week. After the hospital blast, Pakistani Prime Minister Nawaz Sharif and chief of army staff Gen Raheel Sharif both went to Quetta for talks with security officials [...]. The president of Pakistan’s Supreme Court Bar Association, Syed Ali Zafa, called the assault ‘an attack on justice’. The Pakistan Bar Council has announced a nationwide strike by lawyers on Tuesday. Those killed in the hospital attack were said to include Baz Muhammad Kakar, a predecessor of Mr Kasi as provincial bar president, and more than 30 other lawyers. [...] Lawyers in Lahore staged a demonstration to condemn the attack. Some journalists also protested, demanding protection for freedom of expression.” (BBC, 8 August 2016)

Another example for security concerns is provided by a Radio Free Europe/Radio Liberty (RFE/RL) report from June 2016 about the kidnapping of the adult son of a high-ranking provincial judge, who is a lawyer himself:

“Police in Pakistan’s southern port city of Karachi say masked men have kidnapped the adult son of a high-ranking provincial judge. Authorities say they think Awais Ali Shah, the son of Sindh High Court Chief Justice Sajjad Ali Shah, was abducted in order to be used as a bargaining chip in negotiations to free imprisoned Islamic

militants. Witnesses told police that Shah, a lawyer, put up a fight before he was overpowered by kidnapers outside a supermarket on June 20 and thrown into a white getaway car.” (RFE/RL, 21 June 2016)

## 5.5 Access to justice

### 5.5.1 Fair trial

The US Department of State (USDOS) writes in its human rights report covering the year 2015 that “[t]he civil, criminal, and family court systems provide for a fair trial and due process, presumption of innocence, cross-examination, and appeal” (USDOS, 13 April 2016, section 1e). According to the Pakistan Institute for Legislative Development and Transparency (PILDAT) “Article 10(a) of the Constitution guarantees the ‘Right to Fair Trial’ as a fundamental right” (PILDAT, February 2016b, p. 9). In a November 2015 report, the International Committee of Jurists (ICJ) gives the following overview of the constitutional provisions accounting for the right to fair trial:

“The right to a fair trial was included as a fundamental right in the Constitution in 2010, as part of the 18th Amendment to the Constitution of Pakistan, 1973. The Supreme Court of Pakistan has stated that the right to a fair trial and due process have ‘always been the golden principles of administration of justice but after incorporation of Article 10-A in the Constitution of the Islamic Republic of Pakistan, 1973 vide 18th Amendment, it has become more important that due process should be adopted for conducting a fair trial and order passed in violation of due process may be considered to be void.’

The Supreme Court has also held that the right to a fair trial ‘should be read in every statute even if not expressly provided for’. It has further clarified that since the legislature did not define or describe the requisites of a ‘fair trial’, ‘the intention was to give it the same meaning as is broadly universally recognized and embedded in jurisprudence in Pakistan.’ Some rights expressly enumerated by courts as part of a fair trial include: All courts/tribunals shall be independent, impartial and established under the law; All persons shall be equal before the courts/tribunals in the determination of their rights and obligations; Every one shall be entitled to a fair hearing within a reasonable time; Every one shall have a right of counsel; One shall have a right of public hearing if not prohibited by law; The procedure of trial as provided by the statute shall be followed; and The statute must provide a remedy of appeal.” (ICJ, November 2015, p. 12)

In its Asia Report 2015, the Asian Human Rights Commission (AHRC) criticises the justice system in Pakistan stating that “the justice system is riddled with gaping problems related to fair trial and with conviction after conviction based on statements extracted by the police through torture and other forms of ill-treatment.” The AHRC also refers to military courts and notes that “[t]he establishment of military courts further corroded the institution of democracy which stands on the principles of trichotomy of power as envisaged in the Constitution” as these military courts “are given all-encompassing power to hold in camera proceedings, setting aside

due process and the right to fair trial” (AHRC, 10 December 2015, p. 1). For information on military courts please see [section 4.2.2](#) of this compilation.

Looking at blasphemy cases in particular, the ICJ notes in a report from November 2015 that “impediments, prejudices and dangers faced by individuals charged with blasphemy [...] contribute to fundamentally unfair trials, particularly at first instance” (ICJ, November 2015, p. 25). It gives the following account of unfair trials in blasphemy cases:

“[...] [V]arious actors in the criminal justice system, including the police, lawyers and most significantly, judges, frequently demonstrate bias against those accused of blasphemy. Judges who appear to lack independence and impartiality often presume guilt on the part of the accused and some sections of the lawyers’ community create a hostile environment against the accused in court by raising slogans condemning the accused. The lack of accountability and disciplinary mechanisms within the judiciary and the bar, and non-compliance of their respective codes of conduct, allow individuals engaging in such misconduct to evade any responsibility.

Since 2005, however, the Lahore High Court has confirmed blasphemy convictions and death sentences of five individuals. In all five cases, there are serious concerns that the accused’s right to a fair trial had been violated, particularly the right to be tried before independent and impartial courts and defense rights.” (ICJ, November 2015, pp. 25-26)

The ICJ further explains that the vagueness of the wording of certain laws fuels personal interpretations and often undermines the right to a fair trial:

“Various provisions related to offences against religion are framed in overly broad, vague terms, and breach the principle of legality. [...] In blasphemy cases, criminal charges are often framed in vague language. Accused persons, for example, are charged with uttering ‘derogatory remarks against the Prophet Muhammad’ or ‘defiling the Quran’, but the exact words or conduct are not expressly included in the charge. In addition to running afoul with the principle of legality, this in itself is a violation of fair trial guarantees including among others, the right of individuals arrested or detained to be informed in detail of the reasons why they are being deprived of their liberty, as well as their right to prepare and present a defense.” (ICJ, November 2015, pp. 28-29)

In its annual report on human rights for 2015, the Asian Human Rights Commission (AHRC) notes that conflicts between the law enforcement and the judiciary also compromise fair trial:

“The judiciary and fair trial procedure have been totally undermined and ridiculed as the law enforcement agencies, particularly the police, are always making complaints against the Judiciary that the courts let off the suspects who the police apprehend after considerable investigation.

The judicial response to such allegations is that investigations are often faulty and the prosecution fails to prove the case beyond doubt. Therefore, in their campaign against fair trial and the judicial process, the law enforcement agencies have come all out for absolute power.” (AHRC, 10 December 2015, p. 15)

### *5.5.2 Due process and procedural guarantees*

Transparency International Pakistan (TI Pakistan) outlines the general rules of procedure for the deliverance of a judgement stating that “[t]he Courts, after hearing the case are required to pronounce order/judgment in open Court either at once or on some future day not exceeding thirty days and in the language easily understood by the parties” (TI Pakistan, 25 April 2014, p. 70). The US Department of State (USDOS) writes in its country report on human rights practices covering the year 2015 that “[e]xtensive case backlogs in the lower and superior courts, together with other problems, undermined the right to effective remedy and to a fair and public hearing”. The USDOS further states that “[d]elays in justice in civil and criminal cases were due to antiquated procedural rules, unfilled judgeships, poor case-management systems, costly litigation, and weak legal education” (USDOS, 13 April 2016, section 1e).

The Human Rights Commission of Pakistan (HRCP) also writes that the year 2015 was marked by extensive case backlogs. The HRCP provides the following overview of the number of cases pending as well as the causes for such delays:

“At the end of 2015, the dispensation of justice still remains protracted with nearly 27,000 cases pending at the Supreme Court and 61,000 each before the Lahore High Court and the Sindh High Court, Chief Justice Muhammad Noor Meskanzai of the Balochistan High Court noted that 9,000 cases were pending in courts across Balochistan, of which 4,500 were in Quetta courts alone. In 2015, there were a total of 49,207 cases in the Peshawar High Court and its circuit benches, out of which 20,720 cases were disposed of. However, 28,487 cases were pending in the PHC and its circuit benches.

The most often cited causes of delays are: shortage of judges, incompetent prosecution, delay tactics used by lawyers to prolong cases through adjournments, and mismanagement of cases. Steps are being taken in the right direction such as improved management of cases resulting in significant decrease in pending cases, 40 percent at the LHC and 20 percent at the SHC in 2015. Given the vacancies in the high courts, with Lahore being short of five judges against its sanctioned strength of 60, and Sindh starting the year with 17 vacancies against its approved strength of 40, the former chief justice of the Sindh High Court appointed 10 additional judges to aid in decreasing the pendency of cases. The lower courts, however, remain inundated with backlog of cases. For example, the Karachi district judiciary ended the year with 70,892 pending cases and the province of Sindh with 135,000 pending cases, though no action is being planned to aid expeditious disposal.” (HRCP, March 2016, administration of justice, p. 14)

Slow court processes are also mentioned in regard to juveniles. The annual report of the Pakistani child rights organisation Society for the Protection of the Rights of the Child (SPARC)

covering the year 2015 notes that cases involving juveniles have been slow because of the lack of specialised courts or judges:

“Juvenile offenders continue to be subjected to a slow judicial process due to an absence of special Juvenile Courts and judges. In 2003-04, the government of Khyber Pakhtunkhwa announced the establishment of exclusive juvenile courts at the divisional level. This was followed by a campaign led by the Juvenile Justice Network. However, the courts establishment failed to materialize. In Punjab, the Punjab Destitute and Neglected Children Act, 2004 provides for the operation of child courts but it explicitly excludes children involved in criminal litigation.” (SPARC, 21 April 2016, juvenile justice, p. 168)

For the year 2015, the USDOS also reports about issues in regard to transparency:

“There were instances of lack of transparency in court cases, particularly if the case dealt with high profile or sensitive issues. NGOs reported that the government often located trials in jails for security reasons, which were valid in most cases and extended to the accused, lawyers, judges, prosecutors, and witnesses. NGOs voiced concerns about the security of the jail trials and lack of privacy for the accused to consult with a lawyer.” (USDOS, 13 April 2016, section 1e)

The ICJ also took a note on the lack of evidence required for a conviction in blasphemy cases:

“Under international human rights law, in accordance with the right of every person charged with a criminal offence to be presumed innocent unless and until proven guilty, the prosecution is required to prove every element of a crime, including the requisite criminal intent (*mens rea*) in order to convict a defendant. Courts hearing Section 295-C cases [cases related to blasphemy] however, have not required proof of intent beyond a reasonable doubt in order to convict a person of the offence. This is true even though the Federal Shariat Court in 1990 ruled that blasphemy under section 295-C was an ‘intentional or reckless wrong’, in which the *mens rea* amounts to ‘intention, purpose, design, or at least foresight.’” (ICJ, November 2015, p. 31)

In its 2015 human rights report, the Asian Human Rights Commission (AHRC) reports the following procedural shortcomings:

“A demoralized police and prosecution often drags its feet when it comes to investigation. The victim reporting the crime is the first suspect the police interrogate. The interrogation begins with the victim, adding insult to injury. This is the modus operandi of the police officials, who make it a point to subject the victim to mental torture. Rape victims especially suffer such treatment. In such a system, where perpetrators invariably get away with their crimes, it is easier for a dysfunctional prosecution to blame the victim for ‘inciting’ or ‘provoking’ a certain reaction. The prosecution, for its part, relies heavily on the police investigation and has no mechanism to conduct an independent enquiry. The Judiciary, too, suffers from huge backlog of cases, pending for years. Redressal thus becomes a distant dream for victims who die waiting for justice.” (AHRC, 10 December 2015, p. 13)

### 5.5.3 Legal representation

The human rights report of the US Department of State (USDOS) covering the year 2015 notes that “[t]he government provided state-funded legal counsel to prisoners facing the death penalty, but did not regularly provide legal representation in other cases” and that NGOs were able to offer legal support in some instances (USDOS, 13 April 2016, section 1d). The USDOS further gives the following information on legal representation in Pakistan:

“Although defendants have the right to be present and consult with an attorney, courts must appoint attorneys for indigents only in capital cases. Defendants generally bear the cost of legal representation in lower courts, but a lawyer may be provided at public expense in appellate courts. Defendants may confront or question prosecution witnesses and present their own witnesses and evidence. Defendants and attorneys have legal access to government-held evidence.” (USDOS, 13 April 2016, section 1e)

The International Committee of Jurists (ICJ) summarizes the rights to legal representation in the following terms:

“Under Pakistani and international law, the right to a fair trial includes, among other guarantees, a number of safeguards of the right of accused persons to defend themselves against the charges. The right of all accused persons to the assistance of an independent lawyer to defend their rights and interests, and with their assistance to challenge the evidence against them and present a defense to the charges, is a fundamental fair trial guarantee. [...] In view of the right to equality and the prohibition of discrimination, international standards and Pakistani case law clarify that the right to counsel includes the right to be appointed suitably experienced and qualified independent counsel for people who do not have counsel of choice, where required in the interests of justice, including in the light of the risk of deprivation of liberty, seriousness of the charges and the penalty, and to the appointment of counsel free of charge where the accused lacks sufficient resources to pay for counsel. [...] In addition, in cases where the death penalty may be given on conviction, the State and the court have a particular obligation to ensure that appointed counsel is competent, has the requisite skills and experience commensurate with the gravity of the offence.” (ICJ, November 2015, p. 37)

However, the same report outlines that “[t]o defend oneself against the charges, including with the assistance of a lawyer is typically violated to such an extent in Pakistan that it makes a mockery [of] justice and the very purpose of a trial” (ICJ, November 2015, p. 37). The Pakistan Institute for Legislative Development and Transparency (PILDAT) also states that “[t]he Constitution of the Islamic Republic of Pakistan 1973 endows the State with responsibility for provision of inexpensive and expeditious justice, without any discrimination” (PILDAT, February 2016b, p. 9). In practice however, PILDAT concludes that “accessing the formal legal system is still an unaffordable luxury for majority of people in Pakistan” (PILDAT, February 2016b, p. 9). Reporting specifically on blasphemy cases, the ICJ notes the following challenges in receiving appropriate legal representation:

“First, those accused of blasphemy experience difficulty to find lawyers to represent them. This has meant that some blasphemy accused have had to request that lawyers be appointed to assist them. One of the reasons for this is that many lawyers support the blasphemy laws in their current form, including a mandatory death penalty for those who defame the Prophet Muhammad. Indeed, in Pakistan lawyers constitute one of the strongest pressure groups in this regard. For example, Mumtaz Qadri, who killed the former Governor of Punjab, Salman Taseer, because of the Governor’s opposition to the blasphemy laws, was hailed as a martyr by large segments of the lawyers’ community. Reportedly, dozens of lawyers attended his hearings, chanting slogans condemning Salman Taseer and demanding Mumtaz Qadr’s release. Mumtaz Qadri’s support in the legal profession included, reportedly, a team of at least 60 defense lawyers: their line of defense was that Mumtaz Qadri had fulfilled his religious obligations by killing Salman Taseer, as the latter had committed blasphemy against the Prophet. [...]

In addition to pressure felt from, amongst others, their professional peers, the pool of lawyers willing to take cases is small owing to fact that allegations of blasphemy evoke a strong personal religious response, and because individuals accused of committing blasphemy are presumed to be guilty, lawyers who act in their defense also become tainted by association. Some lawyers who defend blasphemy accused have reported receiving hostility from within the legal profession, as well as from others and a range of forms of reprisals [...].” (ICJ, November 2015, pp. 37-38)

The ICJ further provides the following example of a lawyer who was himself accused of blasphemy while representing his client:

“In one case, for example, a lawyer defending a 14-year- old Christian accused of ‘defiling the Quran’ by writing blasphemous remarks on five pieces of paper told the ICJ that during trial, he requested the Court to allow him access to the pieces of paper so he could see what his client had been accused of writing. The trial judge allowed his request. As he was reading the first piece of paper and taking notes in his diary, dozens of people, ostensibly belonging to extremist Islamist groups, started chanting slogans against him, saying he too was a blasphemer for reproducing blasphemous words. The presiding judge immediately directed that the box containing the allegedly blasphemous pieces of paper be re-sealed. [...] The failure of the authorities to protect and guarantee the safety of lawyers who have provided legal assistance to individuals charged of blasphemy has reportedly had a chilling effect upon other lawyers: many say they have been discouraged from representing persons in blasphemy cases out of fear of reprisals against themselves and their families.” (ICJ, November 2015, p. 38)

People accused of blasphemy have reportedly also accused lawyers to take advantage of their situation. The ICJ gives the following account on these allegations:

“In some cases, families of individuals accused of blasphemy have leveled serious allegations of mismanagement of funds and fraud against counsel who agreed to represent blasphemy accused. In at least three cases, they told the ICJ that even

after charging exorbitant fees to provide legal assistance in blasphemy cases, lawyers left the proceedings midway or deliberately tried to damage the defendant's case during trial to secure higher fees for the cases on appeal. The families said that they felt helpless in the face of such unethical practices, as according to them, the fact that so few lawyers agree to defend blasphemy accused, left them with little choice to engage other counsel." (ICJ, November 2015, p. 39)

The Human Rights Commission of Pakistan (HRCP) writes in its annual report covering the year 2015 that the Supreme Court asked "all four bar councils to submit details of complaints registered against lawyers" and gained the following information on misconduct:

"The Punjab Bar Council submitted that 4,295 complaints had been received against lawyers during the previous four years and 1,264 among them were still under consideration. The Khyber Pakhtunkhwa Bar Council said the disciplinary committee had only once met in the past six years over 150 complaints it had received. The Balochistan Bar Council submitted that it had received only one complaint against the lawyers. The Sindh Bar Council told the court that the old complaints had been under consideration against lawyers since 1993 while no meeting had been held in this regard. It said that in instances that the bar council had taken steps to cancel the license of any lawyer, the decision had been successfully challenged in the court, undermining the bar council's authority. The submissions make apparent the lax nature under which bar councils monitor lawyers and their misconduct." (HRCP, March 2016, administration of justice, p. 15)

The Pakistan Institute for Legislative Development and Transparency (PILDAT) concludes that "[l]egal aid remains a neglected area in Pakistan" (PILDAT, February 2016b, p. 10), providing the following critical assessment about the justice system:

"There are laws/rules but when they are passed through the practicability, efficiency and efficacy tests, they suffer from serious deficiencies. These legal instruments - designed with the objective to ensure poor and vulnerable segments' access to the formal justice system - have the following in-built problems, which slow down and sometimes stop their smooth operation:

- i. Insufficient Funding
- ii. Lack of Delivery Mechanisms
- iii. Over-Reliance on Voluntary Lawyers
- iv. Weak Supply Side
- v. Lack of Coordination/Cooperation between Providers
- vi. Absence of Monitoring, Reporting and Referral Systems
- vii. Limited Awareness in Public and Lawyers
- viii. Non-Uniformity in Definitions and Criteria
- ix. Lack of Indigent Litigants Screening and Applications System.

[...] Access to justice in Pakistan has deteriorated to the extent that justice has ultimately failed to reach the doorsteps of the underprivileged segments of society

resulting from lack of awareness of free legal aid services and their faulty provision at the grassroots level.” (PILDAT, February 2016b, p. 10)

The following link provides a more detailed overview of the legal provisions regarding free legal representation in Pakistan:

- PILDAT – Pakistan Institute for Legislative Development and Transparency: Free Legal Aid and Media in Pakistan, February 2016b

[http://www.pildat.org/Publications/publication/ROLR/FreeLegalAidandMediainPakistan\\_MediaBrief.pdf](http://www.pildat.org/Publications/publication/ROLR/FreeLegalAidandMediainPakistan_MediaBrief.pdf)

#### *5.5.4 Legal remedies*

In its submission to the UN Economic and Social Council (which received the report in October 2015 and published it in February 2016), the government of Pakistan gives the following summary about the constitutional provisions guaranteeing the possibility to access justice for all:

“The most significant dimension of Article 4 of the Constitution is the right of ‘access to justice to all’. This is an inviolable right enshrined in the constitution. The right to access to justice includes the right to have a fair and proper trial and right to have an impartial court or tribunal. Without having right to access to justice, the fundamental rights enshrined in the constitution will be meaningless and will have no efficacy or value to the public at large. It is pertinent to mention here that even a foreigner residing in Pakistan is entitled to enjoy the benefits of Article 4. Therefore, this article provides full force of law, in spirit and content, to protect and ensure economic, social and cultural rights of nationals and foreigners.” (Government of Pakistan, 4 February 2016, p. 4)

The Pakistan Institute for Legislative Development and Transparency (PILDAT) writes that “[t]he prevailing situation of access to justice shows that most vulnerable segments of the society face serious impediments and challenges in accessing the formal justice system due to poverty, lack of awareness, and especially since the system of justice dispensation is expensive and time consuming” (PILDAT, January 2016, p. 2). It further provides the following assessment:

“In Pakistan, a large section of the population is unable to access the formal legal system mainly for want of financial resources and a general lack of awareness of the law and legal rights. Although the State and Governments recognise the need and importance of legal aid to ensure needy persons’ access to justice by incorporating provisions of legal assistance in some laws and rules, this effort is not sufficient enough to address the issue of access to justice, therefore much more needs to be done.” (PILDAT, January 2016, p. 1)

Transparency International Pakistan (TI Pakistan) reports that “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” (TI Pakistan, 25 April 2014, p. 12). In case of human rights violations, the US Department of State (USDOS) provides the following account on the availability of legal remedies:

“Individuals may petition the courts to seek redress for various human rights violations, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights. Observers reported that civil courts seldom, if ever, issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.” (USDOS, 13 April 2016, section 1e)

According to the USDOS, religious minorities do not enjoy adequate protection by the legal system in Pakistan:

“Courts routinely failed to protect the rights of religious minorities. Courts used laws prohibiting blasphemy discriminatorily against Shi’a, Christians, Ahmadis, and members of other religious minority groups. Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.” (USDOS, 13 April 2016, section 1e)

The USDOS also outlines that “[t]he constitution recognizes the right of habeas corpus and allows the high courts to demand a person accused of a crime be present in court” and that “[t]he law allows citizens to submit habeas corpus petitions to the courts” (USDOS, 13 April 2016, section 1d). The US Library of Congress provides the following explanation on the right to issue a writ of habeas corpus in Pakistan:

“Issuance of a writ is an exercise of an extraordinary jurisdiction of the superior courts in Pakistan. A writ of habeas corpus may be issued by any High Court of a province in Pakistan. Article 99 of the 1973 Constitution of the Islamic Republic of Pakistan, specifically provides for the issuance of a writ of habeas corpus, empowering the courts to exercise this prerogative[.] [...] The hallmark of extraordinary constitutional jurisdiction is to keep various functionaries of State within the ambit of their authority. Once a High Court has assumed jurisdiction to adjudicate the matter before it, justiciability of the issue raised before it is beyond question. The Supreme Court of Pakistan has stated clearly that the use of words ‘in an unlawful manner’ implies that the court may examine, if a statute has allowed such detention, whether it was a colorable exercise of the power of authority. Thus, the court can examine the mala fides of the action taken.” (Library of Congress, last updated March 2009)

Concerning the practical implementation of the right of habeas corpus, the USDOS notes however that “[i]n many cases involving forced disappearances authorities failed to present detainees according to judges’ orders” (USDOS, 13 April 2016, section 1d).

## 6 Human Rights Issues

### 6.1 Arbitrary detention and prison conditions

The US Department of State (USDOS) explains in its human rights report covering the year 2015 that “[t]he law prohibits arbitrary arrest and detention, but authorities did not always comply” and that “[c]orruption and impunity compounded this problem” (USDOS, 13 April 2016, section 1d). Article 10 of Chapter 1 “Fundamental Rights” of the Constitution of Pakistan provides for “[s]afeguards as to arrest and detention” and reads as follows:

“(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding [three months] unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of [three months] , unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention. [...]

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, [within fifteen days] from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order: Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case: Provided that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy [or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity].

(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 10)

As described in [section 4.2.2](#) of this compilation, the 21<sup>st</sup> amendment of the Constitution adds the Protection of Pakistan Act (PPA) of 2014 to the First Schedule of the Constitution, therefore exempting it from Chapter 1 “Fundamental Rights” (Constitution of Pakistan, 1973, amended as of 7 January 2015, First Schedule, Part 1, III.9). The Foreign and Commonwealth Office (FCO) writes that under the PPA “suspects may be held for questioning for 90 days instead of the current limit of 15”. The UK, together with EU partners therefore “regularly raised concerns on the provisions of the PPO and the act as inconsistent with international human rights standards” (FCO, 12 March 2015). The said provision of the PPA reads as follows:

#### “6. Preventive detention

(1) The Government may, by an order in writing, authorize, the detention of a person for a period specified in the order shall not exceed ninety days if the Government has reasonable grounds to believe that such person is acting in a manner prejudicial to the integrity, security, defense of Pakistan or any part thereof or external affairs of Pakistan or public order or maintenance of supplies and services: Provided that detention of such person shall be in accordance with the provisions of Article 10 of the Constitution: [...]” (PPA, 2014, Article 6 (1))

To read the complete Article 6 about preventive detention, the Protection of Pakistan Act (PPA) can be accessed via the following link:

- PPA - Protection of Pakistan Act, 2014 [An Act to provide for protection against waging of war or insurrection against Pakistan and the prevention of acts threatening the security of Pakistan], (published in the Gazette of Pakistan, 15 July 2014)  
[http://www.na.gov.pk/uploads/documents/1409034186\\_281.pdf](http://www.na.gov.pk/uploads/documents/1409034186_281.pdf)

In a 2014 article for the Pakistani newspaper Dawn, a legal adviser for the International Commission of Jurists (ICJ) gives the following overview of arbitrary or preventive detention after the introduction of the PPA:

“Reports of the government’s campaign to arbitrarily detain hundreds of Pakistan Tehreek-i-Insaf and Pakistan Awami Tehreek workers and activists as the parties launched their protests in Islamabad, illustrate, once again, the dangers of Pakistan’s preventive detention regime and its potential to be used as a tool to clamp down on fundamental freedoms. [...]

It is striking that Article 10 of Pakistan’s Constitution, 1973, allows parliament to make preventive detention laws during peacetime on a number of grounds including prejudicing the integrity, security or defence of Pakistan, the external affairs of Pakistan, and public order, expressly excluding safeguards such as prompt judicial control and legal representation.

Pursuant to Article 10, parliament has passed extraordinarily repressive laws such as the recently enacted Protection of Pakistan Act, 2014, which allows for individuals to be detained at undisclosed locations, without access to family or lawyers, putting them at risk of enforced disappearance, torture and ill-treatment. Subsequent military and civilian governments in Pakistan have routinely used preventive detention for political purposes to silence and intimidate critics and opponents, justifying the practice on the grounds of security and order. Some of the biggest victims of this misuse have included activists belonging to nationalist and separatist movements; members of communist parties; political opponents of governments in power; human rights defenders; and more recently, ‘terrorism’ suspects. This abuse has seriously undermined the enjoyment of fundamental rights such as freedom of expression, freedom of association and the right to political participation in the country.” (Dawn, 25 August 2014)

In its annual report for the year 2015, Amnesty International (AI) writes that “[l]awyers for Qari Zahir Gul and Haider Ali, who were tried in the newly established military courts, claimed they were subjected to enforced disappearance and unlawful detention prior to their trials” (AI, 24 February 2016). Human Rights Watch (HRW) writes that “[t]he military continued to exercise sway over the province of Balochistan, using torture and arbitrary detention as instruments of coercion” (HRW, 27 January 2016).

The Human Rights Commission of Pakistan (HRCP) provides the following overview, describing the conditions in detention and prison:

“The harsh conditions of detention in Pakistani prisons remained unchanged in 2015 and a failure to consider alternatives to custodial detention remained the biggest challenges. [...] Most prisons in the country housed more prisoners than they had been built for and some even housed prisoners in excess of twice their capacity. The overcrowding was the result of an inclination to detain under-trial prisoners, and penal servitude being considered as the most effective punishment for offenders. Overcrowding also did not allow separation of prisoners according to

the status of their cases. Convicted prisoners were often housed together with under-trial prisoners while adult female prisoners shared space with juvenile females. Such conditions of detention not only ignored the dignity and the basic needs of inmates, they also served as a barrier to genuine reform. There were no indications that any substantial reform for the prison system was being contemplated in the near future.” (HRCP, March 2016, jails, prisoners and disappearances, pp. 1-2)

In its June 2016 Country Information and Guidance document, the UK Home Office notes that under the Prisons Act of 1894, “each provincial government has primary responsibility for the accommodation of prisoners and the management of the central, district and special prisons within its territory” (UK Home Office, June 2016, p. 7).

The Prisons Act of 1894 can be accessed via the following link:

- The Prisons Act, 1894 [An Act to amend the law relating to Prisons] (available at Pakistan Code Website of Ministry of Law and Justice)  
<http://pakistancode.gov.pk/english/pdf-file-pdffiles/administrator21f5d7789eda7210fd6b49375e.pdf-apaUY2Fqa-cZc%3D>

Giving an overview of provincial prisons in 2015, the Human Rights Commission of Pakistan (HRCP) provides the following account:

“Adiala Jail in Rawalpindi was the most crowded prison in Punjab. It had sanctioned capacity to detain 2,000 prisoners, but housed 5,000 inmates in June 2015. The prisons in Khyber Pakhtunkhwa fared no better, with 10,040 prisoners crammed in a space meant for housing 6,600 prisoners. The authorised capacity of Karachi Central Prison was 2,400 but it housed around 6,000 prisoners in November. The country’s first high-security prison was constructed in the year under review in Sahiwal district of Punjab. The jail, constructed over 98 acres, had the capacity to hold 1,044 prisoners.” (HRCP, March 2016, jails, prisoners and disappearances, pp. 3-4)

The US Department of State (USDOS) also reports about the conditions in Pakistan’s prison in its country report covering the year 2015:

“Conditions in some prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread. [...] Prison conditions often were extremely poor. Overcrowding was common. SHARP [Society for Human Rights and Prisoners’ Aid] estimated the nationwide prison population at 96,000, while claiming that the normal capacity of prisons was approximately 36,000. [...] SHARP reported 21 deaths in jails during the year, compared with 46 in 2014. Inadequate food and medical care in prisons led to chronic health problems and malnutrition among inmates unable to supplement their diets with help from family or friends. In many facilities sanitation, ventilation, lighting, and access to potable water were inadequate. Most prison facilities were antiquated and had no means to control indoor temperatures. A system existed for

basic and emergency medical care, but bureaucratic procedures slowed access. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries. [...] Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care, and authorities did not separate them from the general prison population.” (USDOS, 13 April 2016, section 1c)

The Human Rights Commission of Pakistan (HRCP) accounts for a higher death toll in Pakistan’s prison. According to its own media monitoring, the HRCP claims that “65 prisoners died in the country’s prisons during 2015”. Whereas “[v]arious diseases caused the deaths for 46 of these prisoners”, the HRCP reports that another “four had died because of torture by prison staff and one succumbed to a beating by fellow inmates” (HRCP, March 2016, jails, prisoners and disappearances, p.4). However, the USDOS writes that “[i]nternational organizations responsible for monitoring prisons reported difficulty accessing detention sites, in particular those holding security-related detainees” and that “[a]uthorities did not allow international organizations access to detention centers most affected by violence in KP, FATA, and Balochistan” (USDOS, 13 April 2016, section 1c).

The law allows for detainees “to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions”, but “prisoners often refrained from submitting complaints to avoid confrontation with the jail authorities they have complained about” (USDOS, 13 April 2016, section 1c). The USDOS also writes about the existence of an ombudsman for detainees located primarily in Islamabad with offices in each province and reports that “[i]nspectors general of prisons irregularly visited prisons and detention facilities to monitor conditions and handle complaints” (USDOS, 13 April 2016, section 1c).

In regard to prison conditions for juvenile offenders, the USDOS provides the following account:

“Prison officials usually kept juvenile offenders in barracks separate from adults. Nevertheless, officials often mixed children with the general prison population at some point during their imprisonment. According to the Society for the Protection of the Rights of the Child (SPARC), prisoners and prison staff often subjected children to abuse, rape, and other forms of violence. According to SPARC, authorities sometimes held juvenile prisoners mixed with the general population in prisons in all four provinces and FATA. SPARC described conditions for juvenile prisoners as among the worst in the country. Many spent long periods behind bars because they could not afford bail. Rather than being rehabilitated, child prisoners often became hardened criminals by spending long periods in the company of adult prisoners. The Juvenile Justice System Ordinance, which outlines the treatment of juveniles in the justice system, did not extend its protections to juveniles accused of terrorism or narcotics offenses. SPARC reported that in the past, officials arrested children as young as age 12 on charges of terrorism under the Antiterrorism Act. Children convicted under the act could be sentenced to death. There were numerous cases of individuals on death row having been convicted of crimes allegedly committed, and/or tried for, while under the age of 18. Lack of

documentation continued to be a challenge for verifying questions of legal age, as in the case of Shafqat Hussain who claimed to be 14 when he committed the crime for which he was convicted. SHARP reported that while they had no official reports of current juvenile inmates on death row, they could not rule out the possibility. Different courts made different decisions as to what was ‘adequate’ proof of age.” (USDOS, 13 April 2016, section 1c)

According to the USDOS human rights report, women were reportedly held “separately from men in some, but not all, prisons” and Balochistan does not possess a women’s prison but that “officials claimed that they housed women in separate barracks in Quetta and Lasbela district prisons”. Prisoners from religious minorities allegedly faced worse prison conditions and “[r]epresentatives of Christian and Ahmadiyya Muslim communities claimed their members were often subjected to abuse in prison” (USDOS, 13 April 2016, section 1c).

## 6.2 Death penalty

Point one of the 20 point National Action Plan (NAP) against terrorism foresees the “[i]mplementation of death sentence of those convicted in cases of terrorism” (NACTA, undated). The Human Rights Commission of Pakistan (HRCP) gives the following overview of the developments which led to the implementation of the death penalty in Pakistan:

“Nearly five years of informal moratorium on executions had ended in late December 2014 following the brutal terrorist attack on Army Public School in Peshawar. As part of the National Action Plan an antiterrorism strategy devised in the aftermath of the Peshawar attack, the government had vowed to execute convicted terrorists and established military courts for a limited time for expeditious disposal of cases. In the first quarter of 2015, Pakistan resumed executions of all death penalty convicts, instead of just those convicted of those terrorism offences. During the year under review, Pakistan became one of the states with the highest rates of executions in the world. The overwhelming majority of the individuals executed through the year were not ‘hardcore terrorists’, for whom the executions had purportedly been resumed.” (HRCP, March 2016, jails, prisoners and disappearances, p. 2)

The UK Foreign and Commonwealth Office (FCO) summarizes executions for the year 2015 and reports that throughout 2015, “over 325 people were executed, with an estimated 8,000 on death row” (FCO, April 2016, p. 44). Human Rights Watch (HRW) writes in January 2016 that at the end of 2015, “an estimated 8,300 prisoners remained on death row, one of the world’s largest populations of prisoners facing execution”, underling that those on death row “are often from the most marginalized sections of society” (HRW, 27 January 2016). The Asian Legal Resource Centre (ALRC) provided the following estimates for 2015 as well as 2016:

“Federal Interior Minister Chaudhry Nisar Ali Khan announced that executions will at least double in 2016; it can thus be estimated that three or more persons will be hung daily. These executions will colour the entire year. Pakistan is believed to have the largest number of death row inmates in the world. According to the government, in October 2015, 6,016 prisoners were awaiting execution; other

estimates, are however higher, putting the number close to 8,000.” (ALRC, 19 February 2016, p. 2)

Amnesty International (AI) gives the following overview of capital punishment in Pakistan:

“The Prime Minister announced the resumption of executions of people convicted of terrorism-related offences following the Peshawar school attack in December 2014. In March [2015] the moratorium on the death penalty was lifted for all 28 offences for which the death penalty is provided, including non-lethal crimes. In November, a parliamentary panel approved the punishment of life imprisonment or the death penalty for the rape of girls aged 13 or under. More than 300 executions were recorded during the year [2015], most for murder and others for rape, attempted assassination, kidnapping, and terrorism-related charges.” (AI, 24 February 2016)

A list of offences resulting in death penalty and the respective legal provisions can be accessed via the following link:

- HRCP – Human Rights Commission of Pakistan: Death penalty offences, undated  
<http://hrcp-web.org/hrcpweb/death-penalty-offences/>

The UK Foreign and Commonwealth Office (FCO) writes that “[t]here were serious concerns over Pakistan’s use of the death penalty, including fair trial issues and the execution of persons who were alleged to have been minors at the time of the offence” (FCO, April 2016, p. 44). According to a statement of the Asian Legal Resource Centre (ALRC) from February 2016 “[u]p to 1,000 people convicted as juveniles are facing execution” (ALRC, 19 February 2016, p. 2). While the execution of juveniles is forbidden under international law, the ALRC points out that “[p]roving age in Pakistan can be difficult, particularly in poor communities, where many births are not registered” (ALRC, 19 February 2016, p. 2). Amnesty International (AI) provides the following examples:

“Faisal Mehmood and Aftab Bahadur were among those executed despite claims and supporting evidence submitted by their lawyers that they were juveniles at the time of the offences for which they were convicted. In October, the Supreme Court upheld the death sentence of Mumtaz Qadri for killing the Punjab governor in 2011. Military courts sentenced at least 27 people to death and four to life imprisonment. Details of the allegations and trial proceedings remained unknown. Death sentences imposed on at least two people were challenged in the Peshawar High Court (PHC), including by Haider Ali, whose parents claimed he was a juvenile when arrested in 2009, and Qari Zahir Gul, whose parents claimed he did not have a fair trial. The PHC upheld both death sentences in October during in-camera proceedings.” (AI, 24 February 2016)

Human Rights Watch (HRW) also describes the case of Aftab Bahadur as well as another similar execution:

“Pakistani law forbids the use of the death penalty against children. However, in June, Aftab Bahadur, who was allegedly 15 at the time of his alleged offense, was

executed. In August, Shafqat Hussain, who was allegedly 14 or 15 years old at the time of his alleged crime, and whose conviction was based on a confession allegedly obtained through torture, was hanged in a Karachi prison.” (HRW, 27 January 2016)

### 6.3 Torture and other ill-treatment and abuse

Article 14 (2) of the Constitution of Pakistan states that “[n]o person shall be subjected to torture for the purpose of extracting evidence” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 14 (2)). In its country report on human rights, the US Department of State (USDOS) summarises the legal framework in regard to torture:

“Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment, the criminal code has no specific section against torture. It prohibits ‘hurt’ but does not mention punishing perpetrators of torture. There are no legislative provisions specifically prohibiting torture. There were reports security forces, including the intelligence services, tortured and abused individuals in custody. According to the Asian Human Rights Commission, the absence of proper complaint centers and of a particular section in the criminal code that defines and prohibits torture contributed to such practices. The commission maintained that the government undertook no serious effort to make torture a crime, and that perpetrator, mostly police or members of the armed forces, operated with impunity. There were reports police personnel employed cruel and degrading treatment and punishment. SHARP [Society for Human Rights and Prisoners’ Aid] reported that police committed acts they described as torture in more than 6,000 cases, compared with 7,800 cases in 2014. Multiple sources reported that torture occasionally resulted in death or serious injury and was often underreported. Acts described by SHARP and other human rights organizations included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.” (USDOS, 13 April 2016, section 1c)

The Human Rights Commission of Pakistan (HRCP) explains that “[c]ustodial torture remained one of the gravest and most pressing human rights issues in Pakistan” (HRCP, March 2016, jails, prisoners and disappearances, p. 5). In its 2015 report, the HRCP provides the following overview of legal developments in this area, outlining that an anti-torture bill has not been passed during the National Assembly:

“After signing and ratifying the United Nations Convention against Torture (CAT) in 2010, Pakistan has fallen short of complying with its obligations. In January, the Senate Standing Committee on Interior unanimously adopted a draft anti-torture bill and referred it the Senate chairman. The Torture Custodial Death and Custodial Rape Bill defined torture, and prescribed life imprisonment and a fine of Rs 3 million for custodial death or custodial rape and a minimum of five years in jail and a fine of up to Rs 11 million for torture. The bill, which remained pending in the National Assembly till the end of the year [2015], failed on many fronts. One of these was that the investigating body had to seek instruction and direction from the federal

government upon receiving a complaint directed against the military or intelligence agencies.” (HRCP, March 2016, jails, prisoners and disappearances, p. 5)

The Lahore-based non-profit human rights law firm Justice Project Pakistan (JPP), which provides free legal advice for people on death row and victims of police torture, and the London-based human rights law organisation Reprieve published a joint report in December 2014, which deals with the use of torture within the framework of Pakistan’s anti-terror legislation:

“Of the numerous problematic elements in Pakistan’s anti-terror regime, one of the most concerning is Section 21-H of the ATA [Anti-Terrorism Act]. This is the Section which permits the use at trial of extra-judicial ‘confessions’ given to police or security forces in terrorism cases. In ordinary criminal cases, the use of confessions given to police officers or security forces – as opposed to those given to magistrates – is prohibited by the Qanun-e-Shahadat Order of 1984 (see Article 164 of the Pakistan Code Crim. Pro.) the Evidence Act). This provision was enacted in part due to the regrettable frequency of torture by the police, to ensure the fulfilment of the Constitutional proscription (see Article 14(2) of the Constitution, explicitly barring the use of torture to extract statements). [...] Torture by police, as a report produced by JPP [Justice Project Pakistan] earlier this year made clear, is a widespread and systemic problem in Pakistan; it represents one of the most fundamental challenges faced by the country’s criminal justice system. As such, the fact that a key safeguard against the use of evidence obtained through torture – and, it is hoped, against recourse to torture by police in the first place – is entirely removed in terrorism cases is a cause for grave concern.” (JPP/Reprieve, December 2014, p. 17)

The Justice Project Pakistan (JPP) also published a report with the Allard K. Lowenstein International Human Rights Clinic at Yale law school in May 2014 looking at police torture in Faisalabad from 2006 to 2012. The report comes to the conclusion that “[p]olice in the Faisalabad District have systematically committed torture and other brutality” (JPP/Lowenstein Clinic, May 2014, p. 4). It further gives the following insights into official complaint procedures in Faisalabad:

“To allege abuse by the police, a victim may bring a complaint before a magistrate and ask to be referred to the District Standing Medical Board (DSMB). The DSMB conducts medical examinations into allegations of torture or death of detainees while in police custody. The DSMB is made up of four physicians, who are government employees. These physicians evaluate the victim’s allegations of abuse and document any physical or psychological signs of abuse in an MLC [Medico-Legal Certificate]. JPP obtained 1,867 MLCs for physician evaluations carried out from 2006 to 2012 in the Faisalabad District. The physicians’ assessments show 1,424 instances of police abuse. [...] Abuse was likely even more widespread than the MLCs suggest. The 1,867 MLCs represent the total number of victims who were willing to come forward and make complaints against the police. After obtaining the MLCs, JPP contacted victims and their families to ask to meet with them in

person. In some instances, victims explained to JPP that they had been reluctant to lodge complaints for fear of retaliation by the police. Thus, there are likely more victims of police abuse who did not have MLCs completed.” (JPP/Lowenstein Clinic, May 2014, p. 4)

The same report further gives the following details of torture and other ill-treatment and abuse by the police during the reporting period (2006 to 2012) in Faisalabad:

“The interviews and MLCs demonstrate that incidents of abuse were not isolated. The evidence shows that Faisalabad police abused at least 1,424 individuals in a span of just six years, strongly suggesting that police brutality and torture in Faisalabad is widespread and systematic. Police routinely subjected individuals to physical and psychological abuse [...]. Torture methods were varied and extreme: Police have beaten victims, suspended, stretched and crushed them, forced them to witness other people’s torture, put them in solitary confinement, subjected them to sleep and sensory deprivation, confined them to small spaces, exposed them to extreme temperatures, humiliated them by imposing culturally inappropriate or unpleasant circumstances, and sexually abused them. In a majority of the cases, physicians found scars, injuries, and other observable signs documenting the abuse. In others, physicians found significant evidence of injuries, but the physicians lacked the time or diagnostic tools to confirm that the victim suffered the injury. For instance, physicians often required additional testing to confirm sexual injuries. To confirm a sexual injury, physicians often had to take samples and send them for examination by a lab.” (JPP/Lowenstein Clinic, May 2014, p. 5)

Covering the year 2015, the US Department of State (USDOS) reports that “[i]n July, Dunya News reported that 28-year-old Atif died in Faisalabad after being tortured in police custody” (USDOS, 13 April 2016, section 1c). Human Rights Watch (HRW) writes in its report for the year 2015 that “[t]orture of suspects by the police remained rampant”. It further reports that “[i]n August, Shafqat Hussain, who was allegedly 14 or 15 years old at the time of his alleged crime, and whose conviction was based on a confession allegedly obtained through torture, was hanged in a Karachi prison” (HRW, 27 January 2016). Among other examples, the Human Rights Commission of Pakistan (HRCPP) writes about the following cases of torture in police custody reported during the year 2015:

“In October [2015] the staff at Kasur Jail was summoned in court for torturing a death row convict. The victim had been convicted in a murder case and his execution orders had been issued recently. When his brother learned from other prisoners that the victim had been tortured he had submitted a complaint. The judge ordered medical examination of the victim which confirmed that torture had taken place. The complainant believed that the police had tortured his brother on the behest of a group of prisoners. In November a prisoner died allegedly due to torture at Kot Lakhpat Jail in Lahore. He was shifted to the hospital after his condition deteriorated but he died during treatment. The police denied the claim and alleged that the prisoner had already been facing health problems and had died

of natural causes.” (HRCP, March 2016, jails, prisoners and disappearances, pp. 5-6)

Writing about operation Zarb-e-Azb, the USDOS also mentions that “[r]estrictions on access to these conflict zones imposed by the government limited the information available to civil society and nongovernmental actors about possible abuses in these areas” (USDOS, 13 April 2016, section 1c)

The above-cited report published by the Justice Project Pakistan (JPP) together with the Allard K. Lowenstein International Human Rights Clinic at Yale Law School about police torture in Faisalabad, which provides detailed insights into the international and domestic legal standards in regard to torture in Pakistan, can be accessed via the following link:

- JPP/Lowenstein Clinic - Justice Project Pakistan/Allard K. Lowenstein International Human Rights Clinic, Yale Law School: ‘Policing as torture: A report on systematic brutality and torture by the police in Faisalabad, Pakistan’, May 2014  
[https://www.law.yale.edu/system/files/documents/pdf/JPP\\_Launch\\_Report\\_050514.pdf](https://www.law.yale.edu/system/files/documents/pdf/JPP_Launch_Report_050514.pdf)

#### 6.4 Right to privacy

The Pakistani newspaper The Express Tribune gives the following overview about the right to privacy in Pakistan in November 2014:

“Despite being a signatory to international treaties recognizing the right to privacy as a fundamental human right and the Constitution of Pakistan also reaffirming the inviolability of this right, the country’s operational legal framework does little to protect a citizen’s right to privacy, a report by digital rights NGO Bytes for All revealed on Friday. Decrying the excessive powers bestowed upon the federal government that allow it to intrude into the private lives of individuals on the pretext of national interests or national security or even the apprehension of crime, the report suggested that judicial oversight should be extended to both before and after scenarios of surveillance.” (The Express Tribune, 14 November 2014)

The report mentioned by the Express Tribune which was published in November 2014 by the NGO Bytes for All (B4A), a human rights organization and research think tank focusing on information and communication technologies based in Islamabad, extensively analyses various laws, ordinances, policies and action plans that potentially impact the right to privacy and comes to the following conclusions:

“Our journey through the massive inventory of Pakistani laws and their implications on privacy rights brings us to the conclusion that an immediate, concentrated and synergic effort needs to be taken by government departments concerned, the civil society, the media, the corporate sector and the general public to develop a rights-sensitive legal paradigm that supports societal development. [...] Furthermore, it was appalling to notice the excessive powers bestowed upon the federal government for intrusion into the private lives of individuals for reasons of safeguarding national interests, national security or even the apprehension of crime.” (B4A, 13 November 2014, p. 54)

The full report giving an overview of legislation that can impact the right to privacy can be accessed via the following link:

- B4A - Bytes for All: Conflicting with the Constitution - Privacy Rights & Laws in Pakistan, 13 November 2014

<https://content.bytesforall.pk/sites/default/files/PrivacyLaws.pdf>

Article 14 (1) of the Constitution of Pakistan states that “[t]he dignity of man and, subject to law, the privacy of home, shall be inviolable” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 14 (1)). In a January 2014 article for the newspaper Dawn, the freelance journalist Arif Azad gives the following overview of the right to privacy in Pakistani society and legislation:

“The under-emphasis on Article 14, which ensures the right to privacy, is a further illustration of how low-ranked this issue is even among the human rights activists. [...] I tend to think that the right to privacy, as expounded by Warren and Brandeis, is central to Pakistan’s creative and modern future. Our flagrant disregard for the right to privacy has given rise to an assembly line generation which has come to accept the invasion of privacy by the state and powerful social forces as normal. [...]

Our daily lives are open to unwarranted and unpreventable intrusion from the larger society. The invasion of privacy, or the right to be private or left alone, is breached from the beginning. This begins from the day we are born. From day one children are never allowed space to develop a nice self-corner or hidden private self for themselves. Children of poor and crowded families live in cramped conditions where Wordsworth’s notion of ‘the individual mind that keeps her own inviolate retirement’ never materialises. In affluent homes over-doting and overloaded parents do not let this Wordsworthian notion of privacy come near the child.

Women fare worse. Many of them, reared on a diet of housewifely duties, remain so immersed in caring for usually large families that there is very little personal space available to them in the household to develop their inner selves. In overcrowded and overworked homes they find refuge in the kitchen which further ties them down to a gendered and unremunerated role. When they step out of the house their personal space is violated at each step of the way by unwarranted and intense male gazes. In cases where the women can escape to work in offices their personal space is more than likely to be intruded through acts of nuisance or sexual harassment both in office and on the way to and back from work.

You and your privacy are under threat if you are poor and happen to live in an area where the landlord rules the roost. Your personality is not inviolate. You and your family are under constant fear of being intruded upon, picked up or harassed. If you somehow manage to defy the writ of the local landlord, the state institutions are at his beck and call to ensure violation of your privacy. And if you happen to have a run-in with the police and you do not have a hotline to a local notable you are more than likely to be treated shabbily and your privacies regularly interfered

with. In some cases, not only your privacy but the privacy of your larger family is blatantly violated by investigative officers. Your home is no longer your castle. The law is hardly your friend in these matters. When we experience so many indignities to our sense of self we forget that our right to privacy is being violated by the state and its agencies on a daily basis.

The ease with which the new terrorism act giving wide-ranging powers to intelligence and investigative agencies was passed without a squeak of protest shows how much value we attach to our own inviolate personality.” (Dawn, 9 January 2014)

Among the antiterrorism laws passed in Pakistan in recent years was the Investigation for Fair Trial Act (Library of Congress, 25 November 2015). The Act has been criticised to impede on the right to privacy as it “authorises the state to intercept private communications in order to track suspected terrorists”, which led human rights groups and critics to voice “concerns that the legislation could pose a threat to people’s privacy and be misused against political opponents” (Dawn, 20 February 2013). The USDOS writes the following about the Fair Trail Act in its country report on terrorism 2015:

“[...] [T]he enhanced tools provided by the Investigation for Fair Trial Act of 2012 and the NACTA law were still in the process of being implemented by the government at year’s end. These laws are designed to equip intelligence agencies, law enforcement agencies, and prosecutors with the necessary legal tools to detect, disrupt, and dismantle terrorist activities and organizations.” (USDOS, 2 June 2016, chapter 2)

The Investigation for Fair Trial Act can be accessed via the following link:

- The Investigation for Fair Trial Act, 2013 [An Act to provide for investigation for collection of evidence by means of modern techniques and devices to prevent and effectively deal with scheduled offences and to regulate the powers of the law enforcement and intelligence agencies and for matters connected therewith or ancillary thereto] (published in the Gazette of Pakistan, 22 February 2013)  
[http://www.na.gov.pk/uploads/documents/1361943916\\_947.pdf](http://www.na.gov.pk/uploads/documents/1361943916_947.pdf)

In January 2016, the International Center for Not-for-Profit Law (ICNL) reports about the introduction of the Prevention of Electronic Crimes Act (PECA) and its potential impact on the right to privacy:

“The National Assembly Standing Committee on Information Technology and Telecommunication approved the Prevention of Electronic Crimes Act (PECA), 2015, a bill criticized for curbing freedom of expression and right to privacy. On April 30, the Chairman of the National Assembly Standing Committee on Information Technology invited the public and other stakeholders to provide comments on the draft law within one week of the notice. As of mid November 2015, the bill has not been adopted. The draft bill has been removed from the government’s website. According to ICNL’s analysis of the bill, key concerns include the following: [...] Vague Language Affecting the Right to Privacy – the PECA

contains vague language that may invite arbitrary and subjective application, resulting in violations to the right to privacy and Pakistan’s obligations under the ICCPR; and Expansive Investigatory Powers – the PECA creates a new investigatory agency and provides that agency with expansive, over-reaching surveillance powers with little, if any, meaningful judicial oversight, which will likely curtail the exercise of the freedom of expression and the right to privacy.” (ICNL, 25 January 2016)

Dawn also reports about the Bill in April 2016, giving the following overview:

“The controversial Prevention of Electronic Crimes Bill 2015 was approved in the National Assembly (NA) on Wednesday. The bill must also be approved by Senate before it can be signed into law. The draconian bill – which has been criticised by the IT industry as well as civil society for curbing human rights and giving overreaching powers to law enforcement agencies – was submitted to the NA for voting in Jan 2015 by the Ministry of IT. It was then referred to the NA Standing Committee on Information Technology and Telecommunication to address concerns raised by the opposition members and stakeholders from the industry. A draft of the cybercrime bill was then forcefully cleared by the standing committee in September before being forwarded to the NA for final approval without showing committee members the copy of the bill. According to critics, the proposed bill criminalises activities such as sending text messages without the receiver’s consent or criticising government actions on social media with fines and long-term imprisonment. Industry representatives have argued that the bill would harm business as well. Online criticism of religion, the country, its courts, and the armed forces are among subjects which could invoke official intervention under the bill.

[...] Scratch through the surface of the Bill, and there is much that is controversial. Critics say that a government-led sub-committee put in time to modify the draft that had originally been chiselled by the IT ministry and industry stakeholders and activists – the latter now holding that they were excluded from the process of finalising the draft. What now stands to be tabled in the National Assembly, they say, is a loosely worded piece of legal drafting that not just betrays a poor grasp of the technical aspects of digital communications and the internet, but also contains several deeply problematic clauses that are open to misinterpretation and may be used as crutches for censorship and the suppression of views a government finds unpalatable.” (Dawn, 13 April 2016)

As outlined by the Dawn Article referenced above, the Website of the National Assembly of Pakistan lists the Prevention of Electronic Crimes Act, 2016, under “bills passed by the national assembly” on 13 April 2016 (National Assembly, undated (k)). As of 10 August 2016, the Senate of Pakistan lists it as a bill received from the National Assembly on 6 May 2016 but has yet to be passed (Senate of Pakistan, undated (b)).

The Prevention of Electronic Crimes Bill 2016 which has yet to be passed by the Senate can be accessed via the following link:

- Prevention of Electronic Crimes Act, 2016 [A Bill to make to make provisions for prevention of electronic crimes] (Bill received by Senate from the National Assembly on 6 May 2016) [http://senate.gov.pk/uploads/documents/1462533063\\_399.pdf](http://senate.gov.pk/uploads/documents/1462533063_399.pdf)

## 6.5 Freedom of speech, expression and assembly

For a detailed account of the treatment of journalists, other media professionals and media organizations see [section 8](#) of this compilation.

Article 19 of the Constitution of Pakistan guarantees the right to freedom of speech and expression of every citizen:

“19 Freedom of speech, etc.

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence.” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 19)

In its April 2016 human rights report covering the year 2015, the US Department of State (USDOS) provides the following summary on the freedom of speech and the media in Pakistan:

“The law permits citizens to criticize the government publicly or privately, but criticism of the military could result in political or commercial reprisal from government entities. Blasphemy laws restricted individual rights to free speech concerning matters of religion and religious doctrine. The government restricted some language and symbolic speech based on ‘hate speech’ and ‘terrorism’ provisions.” (USDOS, 13 April 2016, section 2a)

In its Freedom of the Press 2015 report, Freedom House summarises the legislation regarding freedom of speech in Pakistan as follows:

“The constitution and other legislation, such as the Official Secrets Act, authorize the government to curb freedom of speech on subjects including the constitution itself, the armed forces, the judiciary, and religion. Since 2010, broadly defined contempt laws have been employed by the judiciary to curb reporting on particular cases or judges, and a number of print and television outlets as well as other critical voices have been threatened or charged with contempt. This makes reporting on judicial matters perilous for most journalists.” (Freedom House, 28 April 2015)

The above described Official Secrets Act, 1923, can be accessed via the following link:

- The Official Secrets Act, 1923 [An Act to consolidate and amend the law in [Pakistan] relating to official secrets] (available at Pakistan Code Website of Ministry of Law and Justice) <http://pakistancode.gov.pk/english/pdf-file-pdf/files/administrator46c9a3c62acc16428e73999e7d30ba2a.pdf-apaUY2Fqa-ap2W>

Counter terrorism legislation such as the Fair Trial Act, the Prevention of Electronic Crimes Bill (see also [section 6.4](#)) and the Protection of Pakistan Act (see also [section 4.2.1](#)) also impact freedom of expression and the media. Human Rights Watch (HRW) reports the following on the respective legislation:

“Freedom of expression and the media in Pakistan are further constrained by vague and overbroad counterterrorism legislation such as the Protection of Pakistan Act (PPA) and the Fair Trial Act, which give the security agencies expansive powers to conduct surveillance and silence dissent. The proposed cybercrimes bill includes provisions that would allow the government to censor online content and criminalize Internet user activity under extremely broad criteria that could be susceptible to abusive application.” (HRW, 13 January 2016)

In its Freedom of the Press 2015 report, Freedom House also takes a note of the Protection of Pakistan Act’s (PPA) potential impact on freedom of speech and the media. It further outlines the shortcomings of provincial legislation in this area:

“The Protection of Pakistan Act, an antiterrorism law adopted in July 2014, gives security forces expansive powers to search, detain, and use force against suspects, but also includes vague references to ‘internet offenses and other offenses related to information technology.’ The provisions raised concerns that the law could be used against journalists and other news providers. [...]

At the provincial level, the governments of Punjab and Khyber Pakhtunkhwa passed freedom of information legislation in 2013, but the ordinances faced criticism for vague language and a large number of exemptions, and the Punjab version lacked explicit protections for whistle-blowers. In 2014 the two provinces established information commissions to oversee implementation of their laws.” (Freedom House, 28 April 2015)

The Electronic Crimes Prevention Bill is discussed in the Freedom House report Freedom in the World 2016:

„Civil society groups criticized the Electronic Crimes Prevention Bill, drafted in January and amended in September, for being overly broad and being promoted without adequate public debate. At the end of the year the National Assembly was considering a law that contained a broad and vague definition of objectionable content, allowed censorship without judicial oversight, and provided for mass data retention without safeguards. Meanwhile the authorities continued to invest in mass surveillance capacity and the compulsory registration of SIM cards and data devices, prompting concerns about infringement of privacy.” (Freedom House, 27 January 2016)

The USDOS also notes that “[m]inisters and members of the National Assembly have used libel and slander laws in the past to counter public discussion of their actions” (USDOS, 13 April 2016, section 2a). Defamation is regulated in Section 499 of Pakistan’s Penal Code of 1860 and is defined as a criminal offence in the following terms:

“499. Defamation: Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1: It may amount to defamation to impute any-thing to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2: It may amount to defamation to make and imputation concerning a company or an association or collection of persons as such.

Explanation 3: An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4: No imputation is said to harm a persons’ reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loath-some state, or in a state generally considered as disgraceful.” (Pakistan Penal Code, 1860, amended as of 24 March 2016, Section 499)

However, the Penal Code, in the same Section (499), provides for ten cases of exception to the offence of defamation. The text of these exceptions can be accessed via the following link:

- Pakistan Penal Code, 1860, amended as of 24 March 2016 (available at Pakistan Code Website of Ministry of Law and Justice)

<http://pakistancode.gov.pk/english/pdf-file-pdffiles/administrator92ada0936848e501425591b4ad0cd417.pdf-apaUY2Fqa-apk%3D>

The USDOS country report on human rights practices covering the year 2015 states the following about internet freedom during the year 2015 and the developments in this area:

“There were reports that the government restricted internet access and monitored internet use, e-mail, and internet chat rooms. In 2012 the government began a systematic, nationwide content-monitoring and filtering system to restrict or block ‘unacceptable’ content, including material that is un-Islamic, pornographic, or critical of the state or military forces. According to Freedom House, the government justified such restrictions as necessary for security purposes. There also were reports the government attempted to control or block some websites, including sites the government deemed extremist and pro-independence Baloch sites. There was decreasing transparency and accountability surrounding content monitoring. [...]

The provincial government in Balochistan blocked access to a Baloch human rights blog run by journalists. The government blocked several Baloch websites, including

the English-language website The Baloch Hal and the website of Daily Tawar, a Balochistan-based newspaper. The Prevention of Electronic Crimes Ordinance, the Electronic Transaction Act and other laws cite a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. The act also stipulates that cyberterrorism resulting in a death is punishable by the death penalty or life imprisonment.

The Pakistan Telecommunications Authority (PTA) is responsible for the establishment, operation, and maintenance of telecommunications and has complete control of all content broadcast over telecommunication channels. Despite a 2011 PTA ban on using virtual private networks (VPNs) and voice-over-internet protocol (VOIP), at year's end VPNs and VOIP were both accessible. Many smartphones had built in VPNs. [...]

There were restrictions on internet traffic during the year. The government continued to block access to YouTube (begun in 2012) and restricted access to other social media websites. [...]

NGO and internet-freedom contacts continued to report that government surveillance online was a concern and that there were indications of the use of surveillance software. Internet usage was limited. There were approximately 17 million internet subscribers and an estimated 30 million persons with some kind of internet access in a population of approximately 199 million. Broadband penetration remained very low at only 5.12 percent.” (USDOS, 13 April 2016, section 2a)

In its Freedom on the Net 2015 report, Freedom House evaluates Pakistan as “not free”, with a Freedom of the Net score of 69 out of 100 (with 0 being the best, and 100 being the worst) (Freedom House, 2 November 2015). The report provides the following information on the institutional structure responsible for the regulation of the internet:

“The PTA [Pakistan Telecommunication Authority] is the regulatory body for the internet and mobile industry, and international free expression groups and experts have serious reservations about its openness and independence. The prime minister appoints the chair and members of the three-person authority, which reports to the Ministry of Information Technology and Telecommunication. The repeated failure to make these appointments in the past year further undermined the PTA’s reputation. In March 2015, the PTA formally took responsibility for internet content management [...].” (Freedom House, 2 November 2015)

In its Freedom in the World 2016 report, Freedom House further explains that “[m]ore than 200,000 websites are banned in the country because of their allegedly anti-Islamic, pornographic, or blasphemous content, including YouTube” (Freedom House, 27 January 2016). The Freedom on the Net 2015 report describes internet freedom in Pakistan as follows:

“Despite existing limitations on online content—and looming new ones—Pakistanis have relatively open access to international news organizations and other

independent media, as well as a range of websites representing Pakistani political parties, local civil society groups, and international human rights organizations. ICTs [information and communication technologies], particularly mobile phones, promote social mobilization. Most of social networking, blogging, and VoIP [Voice over IP] applications were available and widely used during the coverage period. Nevertheless, most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, separatist movements, and women's and LGBTI rights". (Freedom House, 2 November 2015)

Censorship as well as self-censorship of the media is also discussed by Amnesty International (AI) in its annual report 2015/16:

"Some journalists and media channels exercised self-censorship for fear of reprisals from the Pakistan Army and armed groups. Following coverage of Pakistan's response to the intervention of Saudi Arabia in Yemen in May, and the stampede in September at the annual Hajj pilgrimage to Mecca where more than 2,000 pilgrims died, the state-run Pakistan Electronic Media Regulatory Authority (PEMRA) issued warnings to the media against airing reports deemed critical of Saudi Arabia. In both instances PEMRA invoked Article 19 of the Constitution, which provides for exemptions to the right to freedom of expression in cases of criticism of the military, judiciary and Pakistan's relations with 'friendly countries'." (AI, 24 February 2016)

The USDOS reports about restrictions due to military operations in its human rights report covering the year 2015:

"Journalists reported having to be escorted either by members of the military or by militants in order to report on conditions in conflict areas. The result was pressure to produce final articles that were slanted toward the military or militant viewpoint, depending upon the escort. Other reporting tended to be relatively objective and only focused on events, rather than deeper analysis, which journalists generally regarded as risky. [...] Some civil society leaders reported that military authorities frequently pressured journalists to modify the content of articles and opinion pieces critical of military actions." (USDOS, 13 April 2016, section 2a)

The same report also writes about the censorship of books, films and art, giving the following information:

"Foreign books needed to pass government censors before they could be reprinted, but there were no reports of books being banned during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure [...]. There was minor government interference with art exhibitions or other musical or cultural activities. The Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content and any content that glorified Indian

heroes, leaders, or military figures in foreign and domestic films.” (USDOS, 13 April 2016, section 2a)

### *Freedom of Assembly*

The 1973 Constitution of Pakistan guarantees the fundamental rights of freedom of assembly and association:

“16. Freedom of assembly.

Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

17. Freedom of association:

(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.

(3) Every political party shall account for the source of its funds in accordance with law.” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Articles 16 and 17)

The Pakistan Penal Code of 1860 contains the following provisions pertaining to unlawful assembly and rioting:

“141. Unlawful assembly: An assembly of five or more persons is designated an ‘unlawful assembly’ if the common object of the persons composing that assembly is:-

First: To overawe by criminal force, or show of criminal force, the Federal or any Provincial Government or Legislature, or any public servant in the exercise of the lawful power of such public servant; or

Second: To resist the execution of any law, or of any legal process, or

Third: To commit any mischief or criminal trespass, or other offence; or

Fourth: By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth: By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation: An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

142. Being member of unlawful assembly: Whoever being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of any unlawful assembly.

143. Punishment: Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. [...]

145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse: Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

146. Rioting: Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

147. Punishment for rioting: Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both." (Pakistan Penal Code, 1860, amended as of 24 March 2016, Sections 141-147)

In its human rights report, the USDOS provides the following information on freedom of assembly during the reporting period of 2015:

"By law district authorities may prevent gatherings of more than four persons without police authorization. The law permits the government to ban all rallies and processions, except funeral processions, for security reasons. Authorities generally prohibited Ahmadis, a religious minority, from holding conferences or gatherings. Several protests, strikes, and demonstrations, both peaceful and violent, took place throughout the country. The government rejected political party Pakistan Tehreek-e-Insaaf's (PTI) request to hold a demonstration in Islamabad on October 4, citing security restrictions that limit all public rallies and gatherings in the red-zone section of the city." (USDOS, 13 April 2016, section 1b)

In a press release from April 2015, the International Federation for Human Rights (IFDH) provides the following example for the repression of freedom of assembly:

“FIDH and HRCP have called on the United Nations to look into the Pakistani government’s repression of freedom of expression and of assembly, in response to last week’s forced cancellation of an academic discussion on Balochistan and enforced disappearances. [...] On 8 April 2015, agents claiming to be from the Inter Services Intelligence (ISI, the intelligence branch of the Pakistan army) showed up at the Lahore University of Management Sciences (LUMS) and demanded the faculty cancel an academic discussion on Balochistan scheduled to take place the following day. The security agents did not provide any legal basis for this demand, nor did they produce any written document to be handed to the university administration; the faculty and staff at LUMS received repeated phone calls from the Home Ministry and the Office of the Chief Minister of Punjab asking for confirmation that the event had in fact been cancelled. The event had aimed to bring together academics and activists to discuss the severe human rights violations that have been taking place in Balochistan over the past decades, including an alarming number of enforced disappearances.” (FIDH, 14 April 2015)

Freedom House provides a summary of the rights of workers to organize and form trade unions in its Freedom in the World report 2016 covering the year 2015:

“The rights of workers to organize and form trade unions are recognized in law, and the constitution grants unions the rights to collective bargaining and to strike. However, many categories of workers are excluded from these protections, accounting for approximately 60 percent of the formal-sector workforce. The procedures that need to be followed for a strike to be legal are onerous. Nevertheless, strikes are organized regularly. Roughly 70 percent of the workforce is employed in the informal sector where there is limited unionization.” (Freedom House, 27 January 2016)

The USDOS writes the following about unions in its report covering the year 2015:

“Unions were able to organize large-scale strikes, but police often broke up the strikes and employers used them to justify dismissals. Marches and protests also occurred regularly, although police often arrested union leaders and occasionally charged them under antiterrorism and antistate laws. [...] There were no reported cases of the government dissolving a union without due process. Unions could be administratively ‘deregistered,’ however, without judicial review.” (USDOS, 13 April 2016, section 7a)

## **6.6 Enforced disappearances**

The Asian Human Rights Commission (AHRC) states in February 2016 that “[t]o date, Pakistan has no law that specifically addresses the matter of enforced disappearances” and that Pakistan “is one of the few countries in the world that has not signed the ‘international convention for the protection of all persons from enforced disappearance’” (AHRC, 17 February 2016). AHRC further provides the following information on enforced disappearances:

“The courts have indeed turned their backs on the victims of enforced disappearances. On 15 March 2015, Bench No. 2 of the Supreme Court, headed by the Chief Justice, assured the relatives of missing persons that a larger bench will be constituted to hear the case and that the Supreme Court would be hearing these cases regularly. However, on 4 November 2015, the Chief Justice of the Supreme Court disposed the cases. The rights groups and families of victims were dismayed by the response of the Supreme Court. In its order, the Court stated that the purpose of the proceeding in the missing person’s case had been served. [...]

Human rights groups have also criticized a judicial inquiry into mass graves discovered in Totak, Baluchistan, on 25 January for failing to adequately investigate State security forces. Baloch activists claimed that the graves belonged to ethnic Baloch activists who had been subjected to enforced disappearance. Time and again the State security apparatus has denied involvement in Baloch missing persons cases and the courts have proceeded to give them a clean chit to continue perpetuating their violence. Laws such as PPO (Protection of Pakistan Ordinance) extend license to the agencies to indulge in extrajudicial killings and enforced disappearances; they are used as tools to stifle political rights movement in Baluchistan, where murder in cold blood is a norm.

The Voice for Baloch Missing Persons (VBMP) has reported an upsurge in the incidents of disappearances since the promulgation of the Protection of Pakistan Ordinance (PPO). The law is not intended to curb terrorism in the country, where banned faith-based elements with dubious intentions continue to freely operate, sometimes under official patronage.

Nasrullah Baloch, President of VBMP has claimed that security forces agencies are behind enforced disappearances and the dumping of bullet-riddled and mutilated bodies in Baluchistan. He has stated that such gruesome violations of human rights have continued without relent despite Supreme Court directives. [...]

The PPO is corrosive to the rule of law in the country and has made it practically impossible for the victim’s families to know the whereabouts or fate of their loved ones. The promulgation and implementation of such regressive laws have taken the country back to the stone ages, in terms of human rights. The rampant abuse of authority by the agencies and the security forces is blamed on the State’s policies of legitimatizing abuse of power.” (AHRC, 17 February 2016)

For the year 2015, the US Department of State (USDOS) writes in its human rights report that “[t]here were kidnappings and forced disappearances of persons from various backgrounds in nearly all areas of the country” and that “[s]ome police and security forces reportedly held prisoners incommunicado and refused to disclose their location” (USDOS, 13 April 2016, section 1b). In its June 2015 civil society mid-term assessment report for Pakistan’s Universal Periodic Review, the Human Rights Commission of Pakistan (HRCP) also discloses that “[t]he incidence of enforced disappearance, unresolved cases of past disappearances, and impunity for perpetrators continue in Pakistan as strongly as before”. While enforced disappearances

reportedly were “[p]reviously restricted mainly to Balochistan and the northwestern region of the country, enforced disappearances now appear to have become a national phenomenon, especially as a response to political opposition, and nationalist and separatist movements” (HRCP, June 2015, p. 63). The HRCP review further provides the following summary of estimates of enforced disappearances countrywide:

“There are wide differences in estimates of the overall number of cases of enforced disappearance in the country. Defence of Human Rights, a non-governmental organization working towards the recovery of disappeared persons, has reported that more than 5,000 cases of disappearances have still not been accounted for. The Voice of Baloch Missing Persons alleges around 18,000 persons have been disappeared. The officially constituted Commission of Inquiry on Enforced Disappearances, on the other hand, reports 1,273 unresolved cases of enforced disappearance. HRCP has documented at least 300 new cases of alleged enforced disappearance from September 2013 to April 2015 in 48 selected districts across the country. Following previous patterns, a majority of these cases were reported from Balochistan. More than 30 cases of alleged enforced disappearance, however, were reported from interior Sindh, which is a new development and a cause for enhanced concern. The Muttahida Qaumi Movement also alleged an increase in enforced disappearance and extrajudicial killings of its workers, which it attributed to a series of targeted operations in Karachi by the Rangers, a paramilitary force. Thus, even taking the most conservative estimates, a significant number of enforced disappearances remain unresolved in the country. Since Pakistan’s 2012 UPR [Universal Periodic Review], the government has alarmingly taken many regressive steps to further facilitate the practice of enforced disappearance and entrench impunity for perpetrators. This includes promulgating the Protection of Pakistan Ordinance, 2013, followed by enacting the Protection of Pakistan Act, 2014, which seek to legalize secret and unacknowledged detention, and give blanket immunity to those responsible for enforced disappearance.” (HRCP, June 2015, pp. 63-64)

According to Human Rights Watch (HRW), security forces engaged in “enforced disappearances to counter political unrest in the province of Balochistan and in the port city of Karachi in Sindh province” (HRW, 27 January 2016). Amnesty International (AI) states that in 2015 “[e]nforced disappearances continued with impunity, particularly in Balochistan, KPK and Sindh” and that recovered bodies were later found to be “bearing apparent bullet wounds and torture marks” (AI, 24 February 2016). In its annual report covering the year 2015, AI further gives the following examples of enforced disappearances:

“Raja Dahir, affiliated with the banned Sindhi nationalist party Jeay Sindh Mutihida Muhaz, was subjected to enforced disappearance after a raid on his home by security forces in Sindh in June. His body was recovered a month later in Jamshoro district. [...] Lawyers for Qari Zahir Gul and Haider Ali, who were tried in the newly established military courts, claimed they were subjected to enforced disappearance and unlawful detention prior to their trials.” (AI, 24 February 2016)

In May 2016, the BBC News reports about a female journalist who is believed to have been abducted by security forces in August 2015 after proving the enforced disappearance of an Indian citizen in Pakistan:

“Zeenat Shahzadi is believed to be the first female journalist ‘forcibly disappeared’ in Pakistan. Her family and human rights groups say she was abducted by security agencies who have been accused of illegally detaining thousands of people under the guise of anti-terrorism operations. [...] Before her abduction, the 24-year-old journalist had been working on the case of Indian citizen Hamid Ansari who went missing in Pakistan in November 2012. Through social media, she managed to get in touch with Hamid’s mother in Mumbai and filed a missing person’s petition in court on her behalf. She played an important role in encouraging a government commission on enforced disappearances to investigate his case. As a result, security agencies admitted to the commission that Hamid was in their custody. He was later sentenced and jailed by a military court. That same year Zeenat went missing. Human rights lawyer Hina Jillani says Zeenat’s disappearance did not come out of nowhere. ‘Zeenat’s family told us that Zeenat was forcefully picked up by security officials before [her disappearance] and detained for four hours,’ said Hina Jillani. ‘She told her family that they interrogated her about Hamid Ansari.’” (BBC News, 11 May 2016)

## 6.7 Bonded labour / other forms of forced labour or domestic servitude

Article 11 of the Constitution provides the following regulations regarding bonded labour and other forms of forced labour:

“11. Slavery, forced labour, etc. prohibited

- (1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.
- (2) All forms of forced labour and traffic in human beings are prohibited.
- (3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.
- (4) Nothing in this Article shall be deemed to affect compulsory service:
  - (a) by any person undergoing punishment for an offence against any law; or
  - (b) required by any law for public purpose provided that no compulsory service shall be of a cruel nature or incompatible with human dignity.” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 11)

In its submission to the UN Economic and Social Council (which received the report in October 2015 and published it in February 2016), the government of Pakistan gives the following summary of legal provisions accounting for bonded labour in its state report regarding the implementation of the International Covenant on Economic, Social and Cultural Rights:

“The Bonded Labour System (Abolition) Act, 1992 clearly defines Peshgi (advance), bonded debt, bonded labour, bonded labourer, nominal wages etc. and abolishes the bonded labour system with immediate effect. Furthermore, this Act not only prohibits forced labour under any condition but also declares all customs, traditions or such contracts null and void. For implementation and enforcement of the laws on bonded labour, the provincial Home Departments are principally responsible. This Act and its rules (1995) have a provision for the constitution of District Vigilance Committees to advise the District Administration on effective implementation of the laws and to rehabilitate the freed bonded labourers. Moreover, the provincial governments are responsible to send the implementation reports on the enforcement of the bonded labour laws regularly. This helps in developing more effective implementation strategy and evaluation mechanism.” (Government of Pakistan, 4 February 2016, p. 21)

The Bonded Labour System (Abolition) Act, 1992 can be accessed via the following link:

- Bonded Labour System (Abolition) Act, 1992 [An Act to provide for abolition of bonded labour system] (published in the Gazette of Pakistan, 17 March 1992)

[http://www.na.gov.pk/uploads/documents/1334287962\\_481.pdf](http://www.na.gov.pk/uploads/documents/1334287962_481.pdf)

In its 2016 trafficking in persons report, the US Department of State (USDOS) provides the following summary of the Bonded Labor System (Abolition) Act and its implementation for the reporting period from March 2015 to February 2016:

“The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years’ imprisonment, a fine, or both. Under a devolution process begun in 2010, some federal laws apply to provinces until corresponding provincial laws are enacted, though most of the provinces have adopted their own legislation on labor. In April 2015, Khyber Pakhtunkhwa adopted the BLSA. Punjab adopted the BLSA in a previous reporting period. In January 2016, Punjab also adopted an ordinance criminalizing child labor younger than age 14 at brick kilns and requiring written contracts between the employer and all brick kiln employees outlining the amount of the wage, wage advance, and the advance payback schedule. The contracts must be sent to a government inspector; if a contract does not exist between the employer and brick kiln worker, bonded labor is assumed and the employer is liable under the BLSA. [...]

Some feudal landlords and brick kiln owners were affiliated with political parties or held official positions and used their influence to protect their involvement in bonded labor. In 2015, the Supreme Court requested additional information from the Sindh government in reference to a criminal case filed in 1996 against two landowners, including a former member of the provincial assembly, who reportedly used thousands of forced agricultural laborers in Sindh. The labor group responsible for the original court petition claimed landowners used their influence in the provincial assembly to intimidate bonded laborers and their supporters. The case remained pending at the close of the reporting period as the Sindh government had not yet submitted the requested information.” (USDOS, 30 June 2016)

The human rights report of the US Department of State (USDOS) covering the year 2015 summarises the legal situation and the implementation of the law as follows:

“The law prohibits all forms of forced or compulsory labor, cancels all existing bonded labor debts, forbids lawsuits for the recovery of such debts, and establishes a district ‘vigilance committee’ system to implement the act. Federal and provincial acts, however, prohibit employees from leaving their employment without the consent of the employer, since doing so would subject them to penalties of imprisonment that could involve compulsory labor.

Lack of political will, the reported complicity of officials in trafficking, technical flaws in the law, federal and local government structural changes, and a lack of funds all contributed to the failure of authorities to enforce federal law relating to forced labor. Gaps also remained in the legislative framework. Consequently, when law enforcement officers registered bonded labor offenses, they did so under other sections of the penal code, including kidnapping and illegal confinement. Resources, inspections, and remediation were inadequate, and penalties - including a 50,000 rupee (\$495) fine and/or two to five years’ imprisonment - were insufficient to deter violations.

The use of forced and bonded labor was widespread and common in many industries across the country. NGOs estimated nearly two million persons were in bondage, primarily in Sindh and Punjab, but also in Balochistan and KP. A large proportion of bonded laborers were low-caste Hindus, as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was common in the agricultural sector, including the cotton, sugarcane, and wheat industries, and in the brick, coal, glass, and carpet industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare, and employers could take advantage of bonded laborers’ illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers’ movements with armed guards or sold laborers to other employers for the price of the laborers’ debts.

Boys and girls also were bought, sold, rented, or kidnapped to work in illegal begging rings, as domestic servants, or in agriculture, as bonded laborers [...]. Illegal labor agents charged high fees to parents with false promises of decent work for their children and later exploited them by subjecting the children to forced labor in domestic servitude, unskilled labor, small shops, and other sectors.

Some bonded laborers returned to their former status after they were freed, due to a lack of alternative employment options. Ties between landowners, industry owners, and influential politicians hampered effective elimination of the problem. For example, some local police did not pursue landowners or brick kiln owners effectively because they believed higher-ranking police, pressured by politicians or the owners themselves, would not support their efforts to carry out legal investigations.

The KP, Punjab, and Sindh ministries of labor were motivated to register brick kilns and their workers to regulate the industry better and provide workers access to labor courts and other services. Officials claimed they took steps to register brick kilns, but the exact number of registrations was not available. The Punjab Department of Labor ran a project to combat bonded labor in brick kilns by helping workers obtain national identity cards and interest-free loans; the department also opened schools at brick kiln sites and, in August began registering the children of brick kiln workers for school.” (USDOS, 13 April 2016, section 7b)

The Global Slavery Index for the year 2016, which ranks the conditions of slavery by countries worldwide and is published by the Walk Free Foundation, estimates the number of people living in modern slavery in Pakistan to be 2,134,900 which represents 1.13 per cent of the Pakistani population (Walk Free Foundation, 2016, p. 26). Thus, the Index puts Pakistan on rank 6 regarding the estimated proportion of the population and on rank 3 regarding the absolute number of people in modern slavery (Walk Free Foundation, 2016, p. 30).

An article of the Pakistani newspaper Dawn from January 2015 gives the following information on debt bondage and the implementation of the Bonded Labour System (Abolition) Act:

“Debt bondage is the most prevalent form of slavery which is mainly found in the brick making, agriculture, and carpet weaving industries, according to Global Slavery Index. [...]

In the second largest city of Sindh, Hyderabad, approximately 150 brick kilns employ thousands of workers to produce the valuable material used for construction of houses. In the words of an expert, ‘This bricks business is more profitable than the dealing of drugs like heroine or opium for the ‘bhatta-malikan’ (kiln owners) because it has an aspect of extreme exploitation of the workers.’ [...]

The old and weak, the young and hopeless, all toil day in day out, for not less than 16 hours daily to get, at best, Rs240 from their owners. Most of these families have been duped by land lords or owners of brick kilns into debt bondage, the most prevalent form of modern slavery in Pakistan. High interest rates and meagre pay means the debt piles and is eventually impossible to pay off when combined with living expenses. Gradually, the families, generation after the other, pay back with their lives for the loans they took for necessities as basic as food after a failed harvest, weddings or house rent. [...]

The system of bonded labour should have ended in Pakistan after the Bonded Labour System (Abolition) Act was passed in 1992. But the landlords in Sindh, who should have prosecuted instead, ‘operate’ freely. [...]

Two decades have elapsed since the government passed an Act against the system of bonded slavery. The shadows of this institution still haunt Pakistan. The government devolved most legislative and enforcement powers to the provinces with a constitutional amendment in 2010, including responsibility for labour, child

protection, and women’s protection. The provinces are yet to move on these issues.” (Dawn, 20 January 2015)

## 6.8 Trafficking

Article 11 (2) of the Constitution of Pakistan states that “[a]ll forms of forced labour and traffic in human beings are prohibited” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 11(2)). In its submission to the UN Economic and Social Council on the implementation of the International Covenant on Economic, Social and Cultural Rights (received by the Council in October 2015 and published in February 2016), the government of Pakistan provides the following explanation of legislation and institutional structures countering human trafficking:

“The Prevention and Control of Human Trafficking Ordinance (PACHTO), 2002 is applicable to all including children. This Ordinance suggests severe punishments (from 7 to 14 years of imprisonment) for perpetrators depending on the degree of involvement in trafficking. In case of involvement of criminal groups or even parents, all are equally liable to the same punishment. Under this Ordinance, all offences are cognizable, non-bailable, and non-compoundable. Considering the severity involved in subject matter, Federal Investigation Agency (FIA) has specifically established Anti Trafficking Unit (ATU) at FIA headquarter to deal all matters pertaining to human trafficking more efficiently. Moreover, to ensure the countrywide outreach and to broaden the scope of activities, sub units of ATU have also been established in all Zonal Directorates of FIA at Karachi, Lahore, Rawalpindi, Peshawar and Quetta. The FIA ensures effective monitoring to improve quantity and quality of the anti-human trafficking activities under PACHTO.” (Government of Pakistan, 4 February 2016, p. 20)

The Prevention and Control of Human Trafficking Ordinance can be accessed through the following link:

- Prevention And Control Of Human Trafficking Ordinance, 2002 [3 October 2002] (available at Pakistan Code Website of Ministry of Law and Justice)  
<http://pakistancode.gov.pk/english/pdf-file-pdffiles/administratorc5afed2e8b1c2b94a3e438b0239b0f7c.pdf-apaUY2Fqa-apaUY2Fta5w%3D>

The US Department of State (USDOS) explains the following about relevant anti-trafficking legislation in its 2016 trafficking in persons report:

“The government does not prohibit and penalize all forms of trafficking. Several sections of the penal code criminalize some forms of human trafficking, such as slavery and selling or buying a person for the purposes of prostitution; maximum penalties for these offenses range from seven years’ to life imprisonment. These prescribed penalties are sufficiently stringent, and the laws criminalizing sex trafficking have penalties commensurate with those prescribed for other serious crimes, such as rape. [...] Transnational trafficking offenses, as well as some non-trafficking crimes—such as human smuggling and fraudulent adoption—are prohibited through the Prevention and Control of Human Trafficking Ordinance

(PACHTO), which prescribes penalties of seven to 14 years' imprisonment. Prescribed penalties for PACHTO offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The anti-trafficking bill, drafted in 2013 to address the gaps in PACHTO, remained pending in ministerial committees. [...] In March 2016, Parliament approved child protection legislation, which among other crimes included specific language prohibiting trafficking in persons." (USDOS, 30 June 2016)

The above mentioned new legislation which was passed in March 2016 amends the Pakistan Penal Code, inserting Section 369A:

"369A - Trafficking of human beings.—Whoever involves himself in human trafficking shall be punished with imprisonment for a term which shall not be less than five years and may extend upto seven years, or with fine which shall not be less than five hundred thousand rupees and may extend upto seven hundred thousand rupees, or with both.

Explanation.—The word 'human trafficking' in this section, shall have the same meaning as is assigned to it in the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002).]" (Pakistan Penal Code, 1860, amended as of 24 March 2016, Section 369A)

The US Department of State (USDOS) 2016 trafficking in persons report notes the following on trafficking in Pakistan and the government's efforts to combat human trafficking:

"Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. [...] NGOs report boys are subjected to sex trafficking around hotels, truck stops, bus stations, and shrines. Illegal labor agents charge high recruitment fees to parents in return for employing their children, some of whom are subjected to forced labor and sex trafficking. Trafficking experts describe a structured system for exploiting women and girls in sex trafficking, including offering victims for sale in physical markets. Reports indicate police accept bribes to ignore prostitution in general, some of which may include sex trafficking. Women and girls are sold into forced marriages; in some cases, their new 'husbands' prostitute them in Iran or Afghanistan. In other cases, including some organized by extra-judicial courts, girls are used as chattel to settle debts or disputes. Non-state militant groups kidnap children, buy them from destitute parents, or coerce parents with threats or fraudulent promises into giving their children away; these armed groups force children to spy and fight in Pakistan and Afghanistan. Pakistan's large number of internally displaced persons, due to natural disasters and domestic military operations, are vulnerable to trafficking. [...]

The Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government approved its national strategic framework against trafficking in persons and human smuggling and reported an increase in the number of victims provided shelter in 2015 compared with 2014. The federal government and Punjab

and Khyber Pakhtunkhwa provinces passed trafficking-related legislation, and some provinces investigated, prosecuted, and convicted traffickers. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Pakistan is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Pakistan was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government continued to investigate, prosecute and convict traffickers, the overall number of convictions was inadequate, especially for labor trafficking, and law enforcement continued to conflate human trafficking and migrant smuggling. [...]

The government does not prohibit and penalize all forms of human trafficking, and prescribed penalties for forced labor that allowed for fines alone were not sufficiently stringent to deter the crime. Official complicity in trafficking crimes remained a serious problem yet the government reported no investigations, prosecutions, or convictions of complicit officials. Government protection efforts were weak. While a small number of the total victims identified were given shelter, it is unclear what other rehabilitation services victims were provided, especially male victims, and observers alleged traffickers accessed women in some of the shelters and forced them into prostitution.” (USDOS, 30 June 2016)

Ayesha Siddique Khan, a barrister at law from Lincoln’s Inn London who has specialized in international protection of human rights law, published an opinion piece in the blog section of the Pakistani newspaper the Express Tribune in August 2015. She provides the following insights into the implementation of the Prevention And Control Of Human Trafficking Ordinance as well as National Action Plan for Combating Human Trafficking:

“Pakistan despite having passed the Prevention and Control of Human Trafficking Ordinance 2002 does not provide an adequate mechanism for preventing human trafficking from taking place. This act was followed by the National Action Plan (NAP) for combating human trafficking, but it failed to address the issue of prostitution altogether. [...] There is little clarity in law and it is the dire need of time to address each offence differently as each has its own particular dimensions which are too complex to be treated under a single, broad term. An Inter-Ministerial Committee on human trafficking, smuggling and illegal immigration is charged with developing a comprehensive policy to combat trafficking but there is no comprehensive strategy to be found.

If we look at the trafficking of women as prostitutes, our society is so hateful of women involved in the business of prostitution that regardless of their circumstances they are treated as criminals as opposed to victims of social injustice. Another reason for their exploitation is that as prostitution is illegal, most of it is practiced secretly and they cannot report any abuses meted to them by their customers or even the law enforcement officials who extort money from red light

areas to allow this illegal activity to continue. [...] Under the Hudood laws, forced prostitution is most likely to be tantamount to adultery as the threshold of proving the burden of proof is very difficult to meet and with the entire social psyche having zero tolerance for prostitutes, there is little protection or safeguards to guarantee a free and fair trial. Matters are made worse by corruption of officials and this is a major impediment in any progress towards controlling and preventing trafficking. In 2003, two FIA [Federal Investigation Agency] officials were prosecuted for corruption related to trafficking, and 15 others received disciplinary action.

There are little resources to provide relief, compensation and rehabilitation to the victims from deportation as well as access to food, shelter and clothing as provided under the Human Trafficking Ordinance, 2000 [presumably 2002, remark ACCORD]. Victims once captured by the authorities are re-victimised by the judicial processes, many of them being officially detained with underlying offences related to their trafficking such as prostitution and violation of immigration rules.” (Siddique Khan, 1 August 2015)

In its submission to the UN Economic and Social Council (which received the report in October 2015 and published it in February 2016), the government of Pakistan provides the following information on the support of trafficking victims:

“The Government of Pakistan is taking concrete steps for the comprehensive assistance to the victims of human trafficking. For that purpose, FIA is establishing shelters for the protection and other needs of the trafficking victims. These shelters aim to provide safe accommodation, access to independent advice, medical health, rehabilitation from trauma, and maintenance of confidentiality, privacy and security of the victims. Furthermore, Government seeks to provide maximum protection of identity to the victims during the trial. Particulars of persons are kept confidential. For the same reason, law enforcement officials have been apprised of the sensitivity of the matter and are strictly directed not to maltreat the victims.” (Government of Pakistan, 4 February 2016, p. 28)

The 2016 USDOS report on trafficking in persons states that the government made “minimal efforts” to support victims, providing the following overview of trafficking victims for the reporting period:

“The government made minimal efforts to protect and assist victims. In a previous reporting period, the FIA and police began to use standard operating procedures for the identification of trafficking victims and their subsequent referral to protective services; however, it is unclear how widely the procedures were disseminated and implemented in 2015. [...]

Authorities charged sex trafficking victims with moral crimes and detained and charged for immigration violations undocumented foreign nationals and Pakistanis returning from abroad who had crossed the border illegally, without screening to determine whether they had been subjected to human trafficking.

Civil society continued to provide most victim services. Under the government's devolution process, which started in 2010, social service delivery and related governmental functions were devolved from the central government to provincial jurisdictions, which often did not have the financial resources and technical capacity to carry them out. Government-run 'women's shelters' were available, on a limited basis, to women in difficult circumstances, including trafficking victims; NGOs noted some of these facilities operated under prison-like conditions and reported traffickers accessed women in the shelters and forced them into prostitution. Observers advised there were only a few shelters designated for trafficking victims, which were ill-equipped to deal with victims' social, economic, and psychological needs. During the reporting period, FIA signed a memorandum of understanding with an international organization and provided land for a trafficking victim shelter to be built in Balochistan. In 2015, Punjab began construction of a center in Multan for female victims of violence to provide shelter and social services in one location and passed legislation requiring the establishment of such centers in all districts. [...] The government reported it provided protection to victims to encourage their cooperation in investigations; however, it is unclear how often protection was available or adequate. Victims expressed reluctance to testify against their traffickers due to threats of violence against them and their families." (USDOS, 30 June 2016)

The same report also calls on the issue of official complicity and corruption:

"Official complicity in trafficking remained a significant concern. During the reporting period, an allegation of forced labor of domestic workers was raised against a Pakistani diplomat in Portugal. The investigation into the allegation did not go forward, as the diplomat sent the domestic workers back to Pakistan before it could be completed. [...] The FIA's report on the most notorious human traffickers in the country included names of several politicians; however, the report's utility was limited due to its conflation of smuggling and trafficking. Some police reportedly acted against trafficking only when pressured by media and activists. Other reports indicate police accepted bribes to ignore prostitution in general, some of which may have included sex trafficking, and some police were accused of sexually harassing female trafficking victims who tried to register criminal complaints. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses." (USDOS, 30 June 2016)

In regard to data collection, the Human Rights Commission of Pakistan (HRCP) assesses the work of the Anti-Trafficking Unit of the Federal Investigation Agency (FIA) in the following terms:

"The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) is the primary source of data collection on illegal immigration and smuggling. However, this unit only collects data at legal check posts, mainly airports. Therefore, there is no record of or check on trafficking through illegal routes or internal trafficking. The FIA has

made no attempts to collect data on the magnitude of or trends relating to the other forms of internal trafficking.” (HRCR, June 2015, p. 20)

The 2016 USDOS report on trafficking in persons provides the following data in regard to the reported investigations and prosecutions under the Prevention and Control of Human Trafficking Ordinance:

“The government reported investigating 158 alleged traffickers, prosecuting 59 and convicting 13 under PACHTO [Prevention and Control of Human Trafficking Ordinance] in 2015, compared with 70 investigations, 50 prosecutions, and 17 convictions in 2014. The government did not report sentences for convictions in 2015, as compared with convictions resulting in fines in 2014.” (USDOS, 30 June 2016)

In February 2016, the Pakistani newspaper The Express Tribune reports about the Federal Investigation Agency (FIA) arresting a large number of human traffickers across the country:

“More than 800 human traffickers have been arrested across the country in the past three months, the Federal Investigation Agency (FIA) informed the top security czar on Wednesday. Interior Minister Chaudhry Nisar Ali Khan had convened a meeting to review the agency’s performance. He was informed that the FIA had carried out over 70 raids, mostly in Punjab, and arrested 827 human traffickers: 218 proclaimed offenders, 13 most wanted by the agency, 71 declared proclaimed offenders by the courts and 525 involved in different cases. According to the FIA, the accused were involved in illegally sending people to different countries, especially Europe, through isolated routes via Greece, Iran and other countries.” (The Express Tribune, 11 February 2016)

## **6.9 Recruitment by extremist groups**

In a letter to the Committee on the Rights of the Child from March 2016, Human Rights Watch (HRW) discusses recruitment of children as suicide bombers through the education system, albeit mainly referring to sources from the years 2009 – 2013:

“Militant recruitment took place from mainstream schools as well as madrassas. Public perception most commonly associates recruitment of militants with unregulated madrassas promoting radical agendas. Recently, however, a clearer picture of militant recruitment from schools has emerged. Studies from the Brookings Institution and the International Crisis Group notably blamed the lack of quality mainstream education for children’s vulnerability to recruitment. Documentary maker Sharmeen Obaid-Chinoy also collected first-hand accounts from children who had been trained as suicide bombers and from their militant recruiters. She described a radicalization process that starts by isolating the child from outside influences, including education, and only later introduces the more extreme and violent tenets of militant ideology in a second setting. Some children were recruited from madrassa schools, others were abducted. Several children who later escaped have described how they only realized they were expected to become suicide bombers after they were trapped. In July 2009, the Pakistan Army claimed

that up to 1,500 boys as young as 11 had been kidnapped from schools and madrassas and trained in Swat by the Taliban to become suicide bombers. Many were reportedly used to attack US and NATO forces over the border in Afghanistan. There was no independent corroboration of the Army's claims. In August 2013, The Guardian published evidence that children in Afghanistan were being sent to madrassas in Pakistan to be trained as suicide bombers." (HRW, 1 March 2016, pp. 15-16)

In December 2014, BBC News reports on the Taliban training children to become suicide bombers:

"Poor families in Pakistan and Afghanistan send their sons to such madrassas for free education and lodging. Such madrassas are prime recruiting ground for Taliban groomers. Interviews with detained children reveal they are picked up from the streets as well and from low-income neighbourhoods. In many cases, parents and guardians say they are totally unaware. [...] More than 90% of juvenile would-be suicide bombers who have been arrested are 'trained, lied to, and brainwashed or coerced in Pakistan', Afghan officials say. [...] Some have successfully carried out suicide attacks in Pakistan. One 12-year-old boy wearing a school uniform blew himself up killing around 30 in the town of Mardan in February 2011." (BBC News, 15 December 2014)

The International Crisis Group (ICG) explains that "militant recruitment is a complex process, achieved more often on economic than ideological grounds" (ICG, 21 May 2013, p. 23). According to an article by the Pakistani newspaper Dawn from November 2015, "[e]ducational institutions and radical segments of religious groups are still attractive as sources of recruitment for sectarian terrorist groups, as are tribal militant groups like the TTP and Jamaatul Ahrar" (Dawn, 22 November 2015). In 2016 the International Crisis Group (ICG) publishes a report about militants in Punjab which states the following about recruitment through madrassas:

"Although there is no direct link between poverty and/or radicalisation, economic hardships and the state's failure to fulfil the basic responsibility to provide services such as education create opportunities for sectarian extremists to mould young minds to their cause, including via large, well-financed madrasas that provide free room and board. 'Needs have gone up, while jobs are scarce', said a Multan-based social worker, who works closely with madrasas." (ICG, 30 May 2016, p. 11)

The Pak Institute for Peace Studies (PIPS) explains the following about militant recruitment in its annual security report (covering the year 2015):

"Educational institutions and radical segments of religious groups are still attractive as sources of recruitment for sectarian terrorist groups. Radical tendencies among educated youth, from both public and private educational institutions, have the potential to serve the purpose of global terrorist movements as well as local violent radical groups. Self-radicalised individuals who are influenced by militant ideologies fall in this category. Members of conventional militant groups like Jamaatud Dawa

and the banned Jaish-e-Mohammad always remain available for Al Qaeda and IS.” (PIPS, 5 January 2016, p. 51)

Point 10 of the 20 point National Action Plan against terrorism refers to the “Registration and regulation of religious seminaries” (NACTA, undated). In February 2015, the Pakistani newspaper Dawn publishes a guest commentary from the security analyst and director of the Islamabad-based Pak Institute for Peace Studies (PIPS), Muhammad Amir Rana, who writes about the governmental lack of direction in bringing the madrassa sector under its control:

“Pakistan’s madressah sector is increasingly being seen as a critical factor in the pervading insecurity in the country, particularly after the announcement of the National Action Plan. [...] Those at the helm of madressah affairs are well aware that the state has no vision, policy or strategy to deal with them. The government does not even have an authentic database or account of religious schools in Pakistan. Fully exploiting this gap, the madressah administrators and clergy are providing an exaggerated account of madressahs in the country. They have recently revised their previous claim of 22,000 to tell us that there are 40,000 madressahs in Pakistan. [...] Despite all the hype about the increase in their numbers, madressahs face challenges in terms of enrolment. The number of local students is still low even in big madressahs. Madressah students mainly hail from poverty-stricken or conflict-hit areas of the country.” (Dawn, 22 February 2015)

The International Crisis Group (ICG) 2016 report about Southern Punjab notes, however, that jihadist groups can still provide an attractive option in financial terms:

“State sponsorship and the climate of impunity are largely responsible for allowing jihadist groups to flourish in southern Punjab; the risks of joining such groups are far less than potential benefits, including jobs and other financial rewards, social status and sense of purpose. No linear course links radicalisation, recruitment and violence in southern Punjab. Recruitment can occur non-ideologically, with many foot soldiers seeing jihad as a job offering financial stability for themselves and families, even if they are ‘martyred’ on the battlefield; in many cases, radical indoctrination follows recruitment.” (ICG, 30 May 2016, p. 8)

The same ICG report from May 2016 looks at recruitment in educational institutes outside the madrassa sector, such as college campuses and private schools:

“The bid to shape young minds extends beyond the madrasa sector. Islamist groups and Sunni proselytising movements such as the Tableeghi Jamaat seek to co-opt both teachers and students, including on college campuses. According to informed observers, while itself non-violent, the Tableeghi Jamaat is an agent of ‘internal conversions’ from Barelvi to Deobandi and as such expands the potential recruitment pool of jihadist groups. Many with links to violent sectarian groups in Punjab have been associated with it at some point. The Jaish and LeT/JD also target students and teachers on college campuses. The SSP and LeJ have sympathisers among primary teachers in public and low-cost private schools who use the classroom to promote sectarian hatred and support for extremist violence.

‘Radicalisation starts in the classroom’, said an NGO worker from Jhang. ‘Shia and Sunni groups start by handing out cash to teachers in school to radicalise and recruit children. The SSP has opened wings in colleges, and so have (militant) Shia groups.’” (ICG, 30 May 2016, p. 13)

Women are reportedly also targeted by recruiters; the Pak Institute for Peace Studies (PIPS) explains the recruitment of women as follows:

“In gender perspectives, militant groups are also focusing on recruiting females in their terrorist networks. In 2015, Al-Qaeda in the Indian Subcontinent (AQIS) has launched the women’s wing led by Afinda Binte Ayesha. Karachi police also exposed a group of women who were tasked by the IS-inspired militant group to arrange for marriages of its operatives and raise funds for its activities. These incidents indicate militants are diversifying their recruitment strategies.” (PIPS, 5 January 2016, p. 51)

The International Crisis Group (ICG) also reports the following information about the recruitment of women, which was mainly gathered through ICG interviews with experts and people working in the madrassas sector:

“Jihadist groups have made concerted efforts in recent years to engage girls and women, seemingly motivated by the perceived multiplier effect of reaching their children while also gaining recruits who can fly under the radar of security agencies. [...] Madrasas for girls are on the rise, as many established seminaries tap greater demand for female education. The Tableeghi Jamaat also provides a vehicle for groups like the Jaish to reach women. According to informed observers in Bahawalpur district, the Jaish periodically (as frequently as every two weeks) convenes large assemblies of women, often through the Tableeghi Jamaat network.” (ICG, 30 May 2016, p. 13)

## 6.10 Sexual and gender-based violence

### 6.10.1 Sexual exploitation

In its concluding observations on the fourth periodic report of Pakistan to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) from March 2013, the CEDAW notes that it “is concerned at the lack of statistical data and information about the extent of the exploitation of women and girls for the purpose of prostitution” (CEDAW, 27 March 2013, p. 6).

The Protection of Women (Criminal Laws Amendment) Act, 2006, added the following provision on prostitution to the Pakistan Penal Code:

“371 A -Selling person for purposes of prostitution, etc. Whoever sells, lets to hire, or otherwise disposes of any person with intent that such a person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person shall at any time be employed or used for any such, purpose, shall be

punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanations:- (a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution [...]

371 B - Buying person for purposes of prostitution, etc Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine." (Pakistan Penal Code, 1860, amended as of 24 March 2016, Sections 371A, 371B; Protection of Women (Criminal Laws Amendment) Act, 2006)

The US Department of State (USDOS) notes in its 2016 report on trafficking in persons that "[r]eports indicate police accept bribes to ignore prostitution in general, some of which may include sex trafficking" (USDOS, 30 June 2016).

In November 2015 Radio Free Europe/Radio Liberty (RFE/RL) reports about the following case of a father selling his daughters into servitude and/or prostitution "that highlights the dramatic abuses inflicted on women and children in some segments of society" (RFE/RL, 6 November 2015):

"Police in Pakistan have arrested a man for arranging to sell his 12-year-old daughter into prostitution [...] RFE/RL interviews with the intended victim, Nushin, and a brother suggest that Adalat Khan, from Pakistan's tribally dominated northwestern region, has already profited from the sale of at least two other daughters and their mother into lives of servitude or worse. Payoffs have purportedly ranged from a few hundred dollars to a foreign visa and, in this latest case, 200,000 rupees (\$1,900), roughly equal to a manual laborer's annual wage. [...] Pakistani authorities have waged public battles to crack down on the sale and trafficking of young people - particularly girls - as well as the persistent problem of child marriage. But women and girls there continue to suffer disproportionately from abuse, and efforts to harshen punishments for marrying off underage girls or treating them transactionally has been met with opposition from religious groups and other conservative, male-dominated circles." (RFE/RL, 6 November 2015)

For further information on forced marriages please consult [section 6.11.2](#) of this compilation.

In its human rights report covering the year 2015, the USDOS also writes about the sexual exploitation of children, giving the following summary:

“The 1961 Suppression of Prostitution Ordinance and portions of the penal code are intended to protect children from sexual exploitation. Authorities did not regularly enforce these laws. Child pornography is illegal under obscenity laws. Socioeconomic vulnerabilities led to the sexual exploitation of children, including trafficking for sexual exploitation. [...] In August [2015] an investigation revealed that criminals sexually abused an estimated 280 children to produce child pornography in Kasur, Punjab. Following media disclosure of the activity, the HRCP undertook an independent investigation that found evidence of abuse of a large number of children. A special panel subsequently created by the government to investigate the incident found evidence to substantiate claims of abuse against only 19 children and brought charges against 17 individuals.” (USDOS, 13 April 2016, section 6)

The above mentioned 2015 child pornography scandal from Kasur (Punjab) where around 400 videos recording about 280 children, most of them under the age of fourteen, were seized was dubbed “the largest-ever child abuse scandal in Pakistan’s history” by the head of Punjab’s Child Protection Bureau. The scandal was followed by protests “calling for justice for the victims”, with protesters claiming that “local police have tried to cover up the scandal and that the perpetrators have used their influence to avoid being charged” (The Nation, 8 August 2015). The Pakistani newspaper the Nation provides the following account of the scandal:

“Videos of these assaults were filmed and thousands of copies are believed to have been sold for Rs50 each in Hussain Khanwala village in Kasur district. [...] The gang arranged the abuse, perpetrated it in many cases, and then used the videotapes of the assaults to blackmail the children and their families to hand over millions of rupees. Many of the children stole gold ornaments from their parents to pay off their abusers to keep their ordeal secret.” (The Nation, 8 August 2015)

In March 2016, Radio Free Europe/Radio Liberty (RFE/RL) reports that after the scandal “[a]bout 20 arrests were made. But at the time, only the acts of rape and sodomy were illegal”. Consequently, in March 2016 an act to amend the Pakistan Penal Code was passed that “for the first time criminalizes sexual assault against minors, child trafficking and pornography”. The Act foresees that “child pornography, which was previously not mentioned in the law, will be punishable by seven years in prison and a fine of 700,000 rupees (\$7000).” (RFE/RL, 12 March 2016)

The Act to amend the Pakistan Penal Code can be access via the following link:

- Criminal Law (Second Amendment) Act, 2016 [An Act to further amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898] (published by the Gazette of Pakistan, 24 March 2016)

[http://www.na.gov.pk/uploads/documents/1467011388\\_916.pdf](http://www.na.gov.pk/uploads/documents/1467011388_916.pdf)

For an overview on trafficking in Pakistan please see [section 6.8](#) of this compilation.

### *6.10.2 Rape and other forms of sexual violence outside the home*

The International Crisis Group (ICG) provides the following assessment of violence against women in Pakistan:

“Eight years into its democratic transition, violence against women is still endemic in Pakistan, amid a climate of impunity and state inaction. Discriminatory legislation and a dysfunctional criminal justice system have put women at grave risk. Targeted by violent extremists with an overt agenda of gender repression, women’s security is especially threatened in the conflict zones in Khyber Pakhtunkhwa (KPK) province and the Federally Administered Tribal Areas (FATA).” (ICG, 8 April 2015, p. i)

According to interviews conducted by ICG in November 2014, sexual violence is widespread in conflict zones:

“Within FATA’s conflict zones, sexual violence is endemic, but, a donor representative said, ‘talking about sexual violence is taboo’. [...] Armed conflict has contributed to men abusing or murdering women relatives with impunity. ‘When a woman is killed, you can just blame it on the Taliban or the paramilitary depending on what side you’re on’, said a women’s rights activist and FATA researcher.” (ICG, 8 April 2015, pp. 20-21)

Human Rights Watch (HRW) states that “[t]he government took inadequate action to protect women and girls from abuses including rape, murder through so-called honor killings, acid attacks, domestic violence, and forced marriages” (HRW, 27 January 2016). Amnesty International (AI) gives the following assessment of gender-based violence in its annual human rights report covering 2015:

“Despite efforts in recent years to enact legislation protecting women from violence, laws remained in force under which female rape victims can be convicted for adultery. Women continued to be denied equality and protection in law, a situation exacerbated by factors including the absence of legislation against incest and a gender-insensitive criminal justice system.” (AI, 24 February 2016)

In its human rights report covering the year 2015, the US Department of State (USDOS) provides the following summary of the relevant legislation and its implementation:

“Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is death or life imprisonment, but sentences, when they occurred, were often less severe. Although rape was frequent, prosecutions were rare. According to data presented by the Ministry of Interior to the senate in 2014, there had been no rape convictions in the country during previous years. Media reported at least one rape conviction in October, with the accused reportedly receiving a 12-year prison sentence. [...]”

As in previous years, the government did not effectively enforce the 2006 Women’s Protection Act. The act brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. By law police are not allowed to arrest or hold a female victim overnight at a police station without a civil court judge’s consent. The law

requires a complaint to be made directly to a sessions court, which is considered a trial court for heinous offenses. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police may then make arrests. While this procedure was meant to eliminate police and societal abuses, NGOs reported it created other barriers for rape victims who could not afford to travel to or access the courts." (USDOS, 13 April 2016, section 6)

The above described Protection of Women (Criminal Laws Amendment) Act, 2006, can be accessed via the following link:

- Protection of Women (Criminal Laws Amendment) Act, 2006 [An Act further to amend the Pakistan Penal Code, the code of Criminal Procedure and other laws] (published at The Gazette of Pakistan, 2 December 2006)  
[http://www.na.gov.pk/uploads/documents/1321341579\\_812.pdf](http://www.na.gov.pk/uploads/documents/1321341579_812.pdf)

In a commentary published in 2016 in the *In Emory International Law Review*, Samantha Croffie, a Doctor of Law (J.D.) candidate from the Emory University School of Law, discusses the implementation of the Protection of Women Act (PWA) in the following terms:

"The PWA has not become the cure-all it was intended to be when it comes to the protection of rape victims in Pakistan. Despite its intended purpose, rape victims still suffer from a lack of adequate procedure and investigation, misinformation about their rights, and the possibility of being punished under the old system the new law was intended to eliminate. With such lack of redress afforded to rape victims in Pakistan, the possibility of the persistent nature of unprosecuted rape in the country being classified as a violation of international human rights law seems to be a plausible adaptation to the standards previously recognized." (Croffie, 2016, p. 580)

Croffie further states that "[o]ne persistent problem with the implementation of the Protection of Women Act was the existence of plural legal systems" (Croffie, 2016, p. 578). The article provides the following overview of the problem arising from these different court systems:

"Pakistan has, over the years, established several court systems such as the Federal Shariat Courts and the Shariat Appellate Bench, the Special Trial Courts, the Customary Practices and the Frontier Crimes of Regulation, and International Human Rights Law all in addition to the existence of the State judicial system. With all of these legal systems recognized under the Pakistani Constitution, each system had equal weight in terms of judicial opinion, enabling police to have discretion as to which legal system they wanted to bring charges under. This created confusion as the systems overlapped in jurisdiction, allowing people to be punished differently for committing the same crime. In the context of rape, it is no surprise that the ability to prosecute crimes under either the Pakistani Criminal Code or the Hudood Ordinance made all of the difference to victims." (Croffie, 2016, p. 578)

The Human Rights Commission of Pakistan (HRCP) describes attempts to changes of legislation which includes in 2015 "three important bills lapsed at the federal level because a National Assembly session was not convened within the prescribed time for their approval after being

passed by the Senate”, namely the “Anti-Rape Laws (Criminal Laws Amendment) Bill 2015, the Anti-Honour Killing Laws (Criminal Laws Amendment) Bill 2015, and the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill 2015” (HRCP, March 2016, p. 9). The HRCP gives the following summary of the proposed legislative changes:

“These bills proposed to amend the Pakistan Penal Code (PPC), Code of Criminal Procedure (CrPC) and the Qanoon-i-Shahadat to improve the rate of prosecution, make DNA tests mandatory within 24 hours of receipt of rape report resolution of rape cases within six months, protection of rape victim’s identity and impose penalties for publically revealing personal details of rape victims.” (HRCP, March 2016, women, p. 9)

The Asian Legal Resource Centre (ALRC) states that “[m]inor girls and adult women remain vulnerable to the risk of abduction and sexual assault while rapists find impunity through both common and Shariah law”. The ALRC lists the following motivations of perpetrators of rape:

“Across Pakistan, individuals as well as gangs and other types of groups resort to raping innocent girls and women for an array of reasons: pure lust, revenge due to alleged tribe or family offences, to avenge a rejected marriage proposal, for religious and ethnic reasons, or simply to satisfy their predatory desire as a way to exert unadulterated brutality and power. The scientifically unfounded belief that sexual intercourse with a virgin exempts the attacker from the risk of contracting the HIV virus or that it can even cure an already diagnosed infection, exposes minor girls and unmarried young women to even greater risks of sexual abuse, adding unremitting horror to the social stigma.” (ALRC, 4 June 2014)

In its human rights report covering 2015, the USDOS point to the lack of reliable statistic about the number of rape cases:

“Rape was a severely underreported crime. There were no reliable national, provincial, or local statistics on rape due to underreporting and a lack of any centralized law enforcement data collection system. The Aurat Foundation reported in 2014 that 1,515 women were raped with 1,408 instances in Punjab, 85 in Sindh, five in KP, four in Balochistan, and 13 in the Islamabad Capital Territory. According to the Aurat Foundation and others, prosecutions of reported rapes were rare. Police and NGOs reported individuals involved in other types of disputes sometimes filed false rape charges, reducing the ability of police to identify legitimate cases and proceed with prosecution. NGOs reported police were at times implicated in rape cases. NGOs also alleged police sometimes abused or threatened victims, demanding they drop charges, especially when police received bribes from suspected perpetrators or the perpetrators were influential community leaders. Some police demanded bribes from victims before registering rape charges, and investigations were sometimes superficial. While the use of post-rape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Accusations of rape were often resolved using extrajudicial measures, with the victim often forced to marry her attacker.” (USDOS, 13 April 2016, section 6)

In its annual report covering the year 2015, Amnesty International (AI) provides an overview of the number of incidents of gender-based violence:

“Women and girls continued to face violence and threats. At least 4,308 cases of violence against women and girls were reported for the first six months of 2015. The figure included 709 cases of murder; 596 of rape and gang rape; 36 of sexual assault; 186 of so-called ‘honour’ crimes; and 1,020 of kidnapping. Despite the enactment of the Acid Control and Acid Crime Prevention Act in 2011, at least 40 acid attack cases were recorded between January and June. In Sahiwal a number of knife attacks were reported against women seen outside their homes without a male companion. Up to six cases were reported in one week in September.” (AI, 24 February 2016)

The above mentioned Acid Control and Acid Crime Prevention Act was passed by parliament under the title Criminal Law (Second Amendment) Act, 2011 and deals with “[h]urt caused by corrosive substance”. It amends Sections 332, 336A, 336B the Pakistan Penal Code, 1860 (Criminal Law (Second Amendment) Act, 2011; Pakistan Penal Code, 1860, amended as of 24 March 2016, Sections 332, 336A, 336B)

In its human rights report covering 2015, the US Department of State (USDOS) still refers to the “2010 Acid Control and Acid Crime Practice Bill”, noting the following on acid attacks in Pakistan:

“The 2010 Acid Control and Acid Crime Practice Bill makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable to FATA and PATA unless the president issues a notification to that effect. Nevertheless, there were numerous acid attacks on women across the country, with few perpetrators brought to justice. According to a panel organized by the HRCP in October, more than 98 percent of registered acid-attack cases remained unresolved. The HRCP alleged that authorities registered 150 to 400 cases of acid attacks each year. In May, two women suffered burn injuries when a man, in a case of personal enmity, threw acid on them as they walked home. Police arrested the attacker.” (USDOS, 13 April 2016, section 6)

The Human Rights Commission of Pakistan (HRCP) also gives an overview of the number of violent incidents against women as well as describing some of these incidents in the following terms:

“According to official figures released by the Ministry of Human Rights, 8,648 incidents of human rights violation were reported in the country between January 2012 and September 15, 2015. These included 90 incidents of acid burning, 72 of burning, 481 of domestic violence, 860 honour killings, 144 rape/gang rapes, 268 sexual assault/harassment, and 535 cases of violence against women. [...]

Incidents of sexual violence against women continued to take place in 2015 with the same ferocity as in the previous years. The year was marred with horrific

incidents of rape and murder of young women, only some of which found their way to newspapers and other media forums. Many culprits in the cases were law enforcement agents themselves. The year started with gang rape of a nomad girl by three policemen in Nasirabad. A departmental inquiry was initiated against the culprits after large-scale protest by the locals. On February 28, a mother and daughter were sexually assaulted and then set on fire by three men in Daharki, Sukkur, which resulted in their death. In March, a woman in Faisalabad was kidnapped by a rickshaw driver and raped for three weeks. In April, a woman was gang raped during a dacoity in Arifwala. Another girl was gang raped in Chakwal.

A matric student from Burewala was raped by two people, one of whom was a constable, and a 16-year-old girl was raped in Lahore. In August, a girl as young as seven years was raped and killed in Karachi. September witnessed a number of gruesome cases. Safia Bibi, a Christian deaf and dumb woman, from a village Ganda Singh Wala near Kasur was gang raped at gun point by three men in her house. The suspected culprits were released on bail. In the same month a woman from Faisalabad was abducted and raped by her ex-husband and his three friends and then later dumped in a sugarcane field. Another young woman was gang-raped in Kotli Sattian by three friends who also made a video of her and used that to blackmail her. In the same month, a woman in Lahore lodged a complaint against six policemen who she said kidnapped, raped and tortured her for seven days.” (HRCP, March 2016, women, pp. 12–13)

The HRCP also reports on the prosecution rate concerning violence against women:

“Despite the high volume of cases, the rate of prosecution remained fairly low. A few good precedents, however, were set by the courts. A district and sessions court in December 2015 sentenced a man to 10 years imprisonment and Rs 25,000 fine after being found guilty of sexually assaulting a 14-year-old girl who lived in his neighbourhood in Karachi. The incident was reported on September 12, 2013. Two months earlier the same judge had found a man guilty of raping his 17-year-old daughter in their house in Gulistan-e-Jauhar - an incident reported three years ago. The judge sentenced him to 12-year imprisonment with a Rs 50,000 fine and also ordered that on failure to pay the fine, his jail time would be increased by 6 months. Muhammad Ali Hajiano and Umair Khan were sentenced to 45 years over rape charges by an additional district and sessions court Karachi in August 2015.” (HRCP, March 2016, women, p. 13)

The Asian Legal Resource Centre (ALRC) describes the corruption of medical staff and the treatment of rape victims by the authorities, which in turn may lead to a low prosecution rate:

“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. 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." (ALRC, 4 June 2014)

In October 2014, the Pakistani newspaper Dawn also reports about the low conviction rate for sexual assault, providing an assessment of the relevant law as well as the difficulties of implementation:

"Under the Code of Criminal Procedure, says lawyer Zainab Qureshi, a consultant for the International Commission of Jurists, rape is a 'non-compoundable' offence. This means the complaint cannot be quashed because the nature of offence is so grave that the accused cannot be allowed to go scot-free. [...] The reality, however, is quite different. 'Rape survivors are pressurized into withdrawing the complaint and not pursuing the matter further through intimidation or out of court settlements.' Often it was observed, said Qureshi, that the police and the prosecuting agencies facilitated these settlements. 'When faced with such circumstances the courts often acquit the accused under Section 265-K of the Code of Criminal Procedure on the basis of a 'low probability of conviction', she said. But Qureshi says such settlements and acquittals are 'null' in the eyes of the law. [...] Karachi-based lawyer Faisal Siddiqi says 'It's not the rape law that is flawed' and that he does not find 'any legal textual problems' there. The problem, he says, lays elsewhere. According to him, crimes against women 'are just not on the radar' of Pakistan's criminal justice system. 'Until you de-trivialise sexual offences, there will be little headway.' Perhaps that is one reason, he said, that rape had a 'near-zero conviction rate'." (Dawn, 26 October 2014)

### *6.10.3 Domestic violence, including marital rape*

The US Department of State (USDOS) writes in its country report on human rights practices covering the year 2015 that "[s]pousal rape is not a crime" in Pakistan (USDOS, 13 April 2016, section 6). It further provides the following information on domestic violence:

"No specific federal law prohibits domestic violence, which was widespread. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and other family-related disputes sometimes resulted in death or disfigurement by burning or acid." (USDOS, 13 April 2016, section 6)

In its submission to the UN Human Rights Committee (which received the report in October 2015 and published it in November 2015), the government of Pakistan states with regard to domestic violence legislation:

“Besides, at the national level, a Bill on Domestic Violence is being considered by the Standing Committee of the Parliament, and is likely to be passed shortly. It may also be underlined that §§ 332 to 337 of the Pakistani Penal Code (PPC) cover aspects of domestic violence. At the provincial level, Sindh and Balochistan have already passed Domestic Violence (Prevention and Protection) Acts of 2013 and 2014 respectively. They recognize all forms of domestic violence as illegal and punishable. Provinces of Punjab and KPK are in the process of passing this law as well.” (Government of Pakistan, 24 November 2015, p. 14)

On the provincial level, the US Department of State (USDOS) notes the following on legislation in regard to domestic violence:

“In 2014 Balochistan’s Provincial Assembly passed the Domestic Violence (Prevention and Protection) Bill, which criminalizes many forms of domestic violence in addition to physical abuse, which is already covered under the penal code. The legislation made domestic violence legislation in Balochistan similar to legislation enacted by the Sindh Assembly in 2013. Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities routinely returned abused women to their abusive family members.” (USDOS, 13 April 2016, section 6)

In June 2016, Dawn reports about a domestic violence bill in Khyber Pakhtunkhwa writing that “[a]fter going through a gruelling review and rejection by Council of Islamic Ideology, the domestic violence bill is back in the hands of Khyber Pakhtunkhwa government to go through another examination in hope to land on the floor of provincial assembly one day” (Dawn, 14 June 2016). In June 2016, the Express Tribune published an opinion piece on domestic violence legislation in Punjab which is also subjected to influence by the Council of Islamic Ideology (CII):

“Women legislators in the provincial assembly from differing political parties showed seasoned foresight and unity, some in defiance of the male co-legislators of their parties, in recognising the need for this government-initiated law in a country where 70-90 per cent of women face domestic violence at least once in their lives. There were 175 members of the House who abstained from voting, mostly male legislators, perhaps afraid of shaking the status quo. The unanimous passage of the law in the provincial assembly received extreme reactions from all quarters. [...] The Council of Islamic Ideology (CII), unsurprisingly, declared the legislation to be against the tenets of sharia. [...] The religious right wing feels that the law encourages the break-up of the family home, is not Islamic, and amounts to Westernisation of a traditional society. So the CII, in a stroke of ‘genius’, attempted to put up its own recommendations for a bill to protect women of Pakistan. And in the name of protection, it asserts that husbands are allowed to lightly beat their wives.” (The Express Tribune, 16 June 2016)

In June 2016, the Doha-based news broadcaster Al Jazeera also writes about the above mentioned recommendations of the Council of Islamic Ideology (CII) in response to Punjab's attempts to pass the Protection of Women Against Violence law:

“Pakistan's Council of Islamic Ideology (CII), a constitutional body responsible for ensuring no legislature in the country is repugnant to Islam, has drawn up a 163-point bill listing women's rights as well as actions it deems non-permissible for women. The group recently declared it is permissible for a man to 'lightly beat' his wife 'if needed'. The bill was presented last month in response to the Protection of Women Against Violence bill (PWAV) 2016, which was passed in the Punjab Assembly earlier this year and is aimed at providing relief to women facing domestic abuse. [...] The CII, in turn, argues that by passing the bill without its consent, the Punjab Assembly has committed an act of treason.” (Al Jazeera, 12 June 2016)

Regarding police persecution of reported domestic violence cases, the Asian Legal Resource Centre (ALRC) reports the following in June 2014:

“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. 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). 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).” (ALRC, 4 June 2014)

According to the US Department of State (USDOS) human rights report covering the year 2015, the government provides shelter for women, but the conditions in these centers are described to be insufficient:

“The government continued to operate the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. Twenty-six government-funded Shaheed Benazir Bhutto Centers for Women across the country provided legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to 'Dar-ul-Amans,' or shelter houses, and funds from provincial Women Development Departments had established approximately 200 such homes for abused women and children. These provided shelter and access to medical treatment. According to NGOs the shelters did not offer other assistance to women, such as legal aid or counseling, and primarily served as halfway homes for women awaiting trial for adultery, even though they were the victims of rape and

domestic abuse. Government centers lacked sufficient space, staff, and resources. Conditions in the Dar-ul-Amans did not meet international standards. They were severely overcrowded with, in some cases, more than 35 women sharing one toilet. Few shelters offered access to basic needs such as showers, laundry supplies, or feminine hygiene products. Some shelters were given a daily food allowance of nine rupees (approximately \$0.09) to feed nearly 100 women. There were some reports of women being trafficked and prostituted out of shelters. Shelter staff reportedly sometimes discriminated against women in shelters; they assumed that if women fled their homes, it was because they were women of ill repute. In some cases women were reportedly abused at the government-run shelters, found their movements severely restricted, or were pressured to return to their abusers. In November the Punjab government broke ground on a pilot Violence Against Women Center in Multan, which would provide legal, medical, psychological, and other aid, and serve as a model for other centers in the province.” (USDOS, 13 April 2016, section 6)

## 6.11 Harmful traditional practices

### 6.11.1 Honour killings

The US Department of State (USDOS) reports the following about honour killings in Pakistan in its country report on human rights practices covering the year 2015:

“A 2004 law on honor killings and the 2011 Prevention of Anti-Women Practices Act criminalize acts committed against women in the name of traditional practices. Despite these laws hundreds of women reportedly were victims of honor killings. Many cases went unreported and unpunished. The practice of ‘karo-kari’ or ‘siyah kari’ - a premeditated honor killing that occurs if a family, community, tribal court, or jirga determines that adultery or some other ‘crime of honor’ occurred - continued across the country. Karo-kari derives from ‘black male’ (karo) and ‘black female’ (kari), metaphoric terms for someone who has dishonored the family or is an adulterer or adulteress. In many cases the male involved in the alleged ‘crime of honor’ is not killed but allowed to flee. Human rights groups criticized the federal law banning so-called honor killings because it allows the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges. NGO leaders commented that in many instances a member of the victim’s family, such as a father or brother, carried out the honor killing, and the new guardian or heir was a brother or cousin, which meant the negotiation was often moot.” (USDOS, 13 April 2016, section 6)

The above-mentioned 2004 law on honour killings, also called the Criminal Law (Amendment Act), 2004 is available under the following link:

- Criminal Law (Amendment Act), 2004 [An Act to further amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898] (published in The Gazette of Pakistan, 11 January 2005)

[http://www.na.gov.pk/uploads/documents/1321335436\\_690.pdf](http://www.na.gov.pk/uploads/documents/1321335436_690.pdf)

The Human Rights Commission of Pakistan (HRCP) noted in its report covering the year 2015 that the Anti-Honour Killing Laws (Criminal Laws Amendment) Bill 2015 “lapsed at the federal level because a National Assembly session was not convened within the prescribed time for their approval after being passed by the Senate” (HRCP, March 2016, women, p. 9).

Amnesty International (AI) reports that for the first six months of 2015 “186 of so-called ‘honour’ crimes” had been reported (AI, 24 February 2016). Human Rights Watch (HRW) states in its World Report 2016 that “[a]ccording to local groups, hundreds of honor killings took place” (HRW, 27 January 2016). The Human Rights Commission of Pakistan (HRCP) provides the following assessment of honour crimes during the year 2015:

“HRCP database recorded 987 cases of honour crimes in 2015 with 1096 female victims and 88 male victims out of which at least 170 were minors. In nearly 470 cases, ages of the victims were not known or reported. The predominant causes of these killings in 2015 were domestic disputes, alleged illicit relations and exercising the right of choice in marriage. Firearms were the most commonly used weapons to carry out the killing. Current and former spouses of the victims were the perpetrators in most cases and housewives were the most common victims.” (HRCP, March 2016, women, p. 15)

The USDOS points out, however, that “[b]ecause honor crimes generally occurred within families, many went unreported”, it further provides the following information on possibilities for reporting and registering honour crimes:

“Police in Sindh established karo-kari cells with a free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. [...] Police and NGOs reported that increased media coverage enabled law enforcement officials to take some action against a limited number of perpetrators. In February media reported that a brother killed his sister in an alleged karo-kari case, and, while a case was registered with police, they were unable to arrest the accused. In April police arrested Muhammad Siddique and his father after they set the son’s wife, Shabana Bibi, on fire for leaving the house without asking permission. The practice of cutting off a woman’s nose or ears, especially in connection with honor crimes, was frequently reported, but authorities often did not take action to combat the practice.” (USDOS, 13 April 2016, section 6)

In June 2016, BBC News reports about four cases of honour killings in one month:

“Police in the Pakistani city of Lahore have arrested a woman suspected of murdering her daughter for marrying without family consent. Police say the body of Zeenat Rafiq shows signs of torture. She was doused with fuel and set alight. Her mother Parveen is accused of luring her back from her in-laws. It is the third such case in a month in Pakistan, where attacks on women who go against conservative rules on love and marriage are common. Last week a young school teacher, Maria Sadaqat, was set on fire in Murree near Islamabad for refusing a marriage proposal. She died of her injuries. A month earlier village elders near Abbottabad ordered the

murder of a teenage girl who was burnt to death because she helped a friend to elope, police said. Zeenat Rafiq, who was 18, had been burnt and there were signs of torture and strangulation, police told BBC Urdu. A post mortem examination may establish if she was still alive when she was set on fire. [...] Nearly 1,100 women were killed by relatives in Pakistan last year in so-called honour-killings, the independent Human Rights Commission of Pakistan (HRCP) says. Many more cases go unreported.” (BBC News, 8 June 2016)

In the aftermath of the incidents described above, the Council of Islamic Ideology (CII) reportedly called honour killings to be un-Islamic. The BBC reports the following of the CII statement:

“The Council of Islamic Ideology (CII) in Pakistan has declared that killing in the name of family honour is un-Islamic and against the law. The group, which advises the government on religious aspects of law and society, issued its statement after a recent spate of killings shocked many in Pakistan and around the world. [...] A working group formed to look into the matter has recommended that while ‘adultery, obscenity and immodesty are grave sins and Islam prescribes harsh punishments for them, it does not allow an individual to act in an extra-judicial manner’. The CII said it was up to the courts to declare an individual guilty or innocent. Its statement says that anyone guilty of such killing should be tried under a range of existing laws that cover different categories of murder. These laws, it says, are in conformity with Islamic teachings and therefore no new legislation is required. [...] In the overwhelming majority of cases, the killers are often close relatives - a brother, father, cousin, even a mother, or a maternal or paternal uncle. Most killings take place after the woman concerned is accused of having a pre-marital or extra-marital affair, marries a man of her choice despite her family’s opposition, or refuses a marriage proposal brought by her family. [...] Honour killing is a function of culture, and so it cuts across religions.” (BBC News, 15 June 2016)

A pilot study on honour killings in Pakistan published by the Aurat Foundation in 2011 can be accessed via the following link:

- Aurat Foundation: A pilot study on: “Honour Killings” in Pakistan and Compliance of Law (author: Maliha Zia Lari), November 2011  
[http://www.af.org.pk/pub\\_files/1366345831.pdf](http://www.af.org.pk/pub_files/1366345831.pdf)

### *6.11.2 Early and forced marriage*

The Islamabad based non-profit NGO Aurat Foundation and Trócaire, a catholic Irish charity, working in partnership with local organisations, provide the following information of the relevant law for forced marriages:

“In 2011, the Prevention of Anti-Women Practices [Criminal Law Amendment] Act, was passed by the Federal Government in a bid to prevent and prescribe punishments for women’s forced marriages and inheritance deprivation, whether they be in the form of exchange marriage [wattasatta], compensation marriage [swara, wanni, etc.], Quran marriage, or under any other compulsion. The Act

amended the Pakistan Penal Code [PPC] [Section 310-A], whereas three new provisions were added [Sections 498A, 489B and 498C].” (Aurat Foundation/Trócaire, October 2014, p. xxiii)

The Prevention of Anti-Women Practices Act, 2011, also called the Criminal Law (Third Amendment) Act, 2011, can be accessed via the following link:

- Criminal Law (Third Amendment) Act, 2011 [An Act to further amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898] (published in The Gazette of Pakistan, 28 December 2011)  
[http://www.na.gov.pk/uploads/documents/1329729400\\_262.pdf](http://www.na.gov.pk/uploads/documents/1329729400_262.pdf)

The report of the Aurat Foundation and Trócaire analyses the legal provisions of the Anti-Women Practices Act as follows:

“Upon close look, one finds that there have been no significant gains made by women under the protection of this law and it has remained largely unknown and unimplemented. [...]

Substantively, the Anti-Women Practices Act [AWPA] is a weak law for many reasons. Prominent amongst these is the lack of clarity over many terms contained in the text. For instance, the law does not define what is meant by ‘deceitful’ or ‘illegal’ in Section 498-A, when it comes to explaining the context in which certain actions [involving inheritance deprivation] would become a matter of deceit or crime. It does not explain when active persuasion and emotional blackmail may enter the ambit of deceit or become ‘illegal’. [...]

Bare reading of section 310-A of this law also reveals that while there may be punishment for those who ‘give’ a woman in marriage, there is no crime committed by others who demand or ‘take’ a woman in marriage. It prescribes punishment for parents and other relatives of the woman, but not the groom, the in-laws of the bride-to-be, other members of his or her family, the solemnizer of the marriage [or nikahkhwa], or other witnesses present during the ceremony.

The law also does not declare forced marriages as null and void, meaning that a woman would have to seek a khula or divorce [if she has the stated right in the nikahnama] or hope that her husband divorces her in order to exit the so-called marriage. Moreover, no definition for ‘custom’ is stated in the law, where some of these crimes may vary in manifestation between regions and sub-cultures, while still others may be practiced not as custom, but as solution to a specific local problem. In that respect, the law does not address the practice of Pait Likhi [with Pait denoting ‘womb’ and Likhi denoting ‘betrothment’] agreed before a child is born or where minors may be ‘promised’ into marriage after acquiring adulthood.

Compensation marriage [swara] has been contextualized within settlement for a criminal or civil liability and not thus applicable to cases where there may be no such liability but women are given nevertheless as a compensation of sorts (for instance, when one girl in the family declines a marriage proposal and another in

offered in her place, or to improve/cement relations with political rivals). Moreover, the law declares all such practices to constitute non-cognizable offences, meaning that the law is not propelled into action unless an explicit complaint is made, posing a significant obstruction in timely action by the police or any other law implementing agency.

Overall, it would seem that the law ensures that the woman/girl forced into marriage or deprived of her share in inheritance continues to find herself in a lose-lose situation. She cannot exit the marriage unless she goes through the courts and files a [khula or divorce] case, she gets no special support in case she has had children in that marriage, and she has already implicated [and possibly alienated] her parents and other family members by pressing charges against them under this Act. Here it would be pertinent to mention that with the near-complete absence of support systems for women, those who lose the support of their parents or husbands may have nowhere to go, leading to a false resilience towards violence and oppression.” (Aurat Foundation/Trócaire, October 2014, pp. xxiii – xxiv)

The Asian Legal Resource Centre (ALRC) provides the following statement in a 2014 submission to the UN Human Rights Council:

“Horrid social customs and centuries-old patriarchal traditions coupled with religious norms also have devastating effects on women in Pakistan. Anti-women traditions like sawara, wani, sang chati, paitlikkhi and watta satta (all these customs are for gifting girls, or forced marriages of the girls to resolve conflicts and feuds) still go unchecked in many parts of Pakistan, particularly in the rural Sindh, Balochistan, Punjab, and the country’s northwestern tribal areas. The situation suggests the inability to enforce the rule of law, leaving matters in the hands of tribesmen and local elders.” (ALRC, 4 June 2014)

The USDOS reports the following on forced marriages in its annual report covering 2015:

“Many young girls and women were victims of forced marriages arranged by their families. Although forced marriage is a criminal offense and many cases were filed, prosecution remained a problem. In 2012 the Family Planning Association of Pakistan estimated that child marriages constituted 30 percent of marriages. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.” (USDOS, 13 April 2016, section 6)

In the Blog section of the Lahore-based English newspaper The Nation, the social activist and researcher Shaikh Abdul Rasheed published an article in July 2016, providing an overview of the legislation on child marriage:

“In Pakistan, child marriage is legally prohibited under the Child Marriage Restraint Act 1929. Under Section 2 of the Act, the minimum age for marriage is 18 for males and 16 for females. A violation of the Act is punishable with a fine of Rs. 1,000 and an imprisonment of one month or both.

The Sindh Assembly is the first assembly in Pakistan to pass a bill of this kind. The Sindh Child Marriage Restraint Act 2013 – prohibiting the marriage of children, both boys and girls, below 18 – declared marriage below the age of 18 punishable by law. In cases of underage marriage, parents, bride and groom can all be sentenced to three years of rigorous imprisonment and can be fined with Rs. 45,000. But regrettably, due to the lack of a proper implementation mechanism, the prevalence of child marriages is extensive throughout Pakistan.

It is pertinent to mention here that child marriages take place for various reasons such as customs, traditions, monetary benefits, and lack of awareness among people about hazards to be experienced by child-brides. However, despite widespread condemnation, the practice of child marriage is a ubiquitous phenomenon in the country.

Pakistani society is a patriarchal society based on an unnatural process of gender discrimination which treats women as inferior, especially in the rural areas of the country where daughters and sisters are considered an economic deadweight. In this society, the inhuman customary practice of giving young girls in marriage to a victim's family to settle dispute between families exists. These girls live dejected lives because their in-laws treat them as slaves. [...]

In the heinous tradition of child marriages, in which Pakistan takes the top rank, parents take away the right of their children of selecting their spouses themselves and impose their decisions on them. There is clear disparity in marriage traditions in rural and urban areas of the country. In rural areas, parents acting upon established outdated social norms and rituals mostly get their children married in the same caste, breed and community. On the contrary, in urban areas, parents are powerless to bring about these norms and rituals because their children being educated and grown up in a free society are well-informed about their rights. Therefore, they believe in liberty of selecting their own life-partner themselves.” (Rasheed, 1 July 2016)

The above discussed Child Marriage Restraint Act can be accessed via the following link:

- Child Marriage Restraint Act, 1929 [An Act to restraint the solemnization of child marriages] (available at Pakistan Code Website of Ministry of Law and Justice)

<http://pakistancode.gov.pk/english/pdf-file-pdf/files/administrator0cb12b901d4304d7e5463da076d88639.pdf-apaUY2Fqa-ap%2Bb>

The Human Rights Commission of Pakistan (HRCP) writes in its human rights report for the reporting period 2015, that “[i]n Sindh rules for recently passed [...] ‘Early Child Marriage Restraint Act 2013’ remained pending. The Women Development Department said that rules of business had been prepared and were awaiting the approval of the law department” (HRCP, March 2016, women, p. 9). The Sindh Child Marriage Restraint Act, 2013, is available through the following link:

- The Sindh Child Marriages Restraint Act, 2013 [An Act to restrain the solemnization of child marriages] (published in the Sindh Government Gazette, 11 June 2014)  
<http://rtepakistan.org/wp-content/uploads/2014/11/The-Sindh-Child-Marriages-Restraint-Act-2013.pdf>

According to interviews conducted with 23 women by the Aurat Foundation and Trócaire, forced marriage of women often resulted in further abuses of the victims, especially of child brides:

“Almost all women who were married forcibly reported having a tumultuous and often violent relationship with the husband as well as in-laws. Most women had been married to men much older in age- some older than 35 years. As child brides usually cannot negotiate the terms of sex with husbands who are normally much older and may have had previous sexual partners, a vast majority of women interviewed reported being raped by their husbands on the first night and verbal abuse starting within days or weeks into marriage. Most women reported that physical violence also commenced from the first night, while forced sex was a norm due to which they often sustained internal and external injuries. Three women interviewed for this study reported becoming incapable of having children due to physical injuries caused by frequent and violent rape by their husbands, often while they were menstruating. For women who did not seek medical help for physical violence, a common reason was lack of familial and social support for and understanding of their plight. The level of education did not correlate with the ability to exercise free will in marriage, ability to work, or the frequency of physical violence. Women with lower levels of education, however, reported higher intensity (and not necessarily frequency) of violence.” (Aurat Foundation/Trócaire, October 2014, pp. xxviii–xxix)

## 7 Treatment of (perceived) political opponents

In its human rights report covering the year 2015, the US Department of State (USDOS) notes that “[t]here were few restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views.” However, the USDOS mentions reports that in Balochistan “security agencies and separatist groups harassed local political parties, such as the Balochistan National Party and the Balochistan Student Organization.” (USDOS, 13 April 2016, section 3)

The Pakistani newspaper Dawn reports in a May 2016 article that over the past few weeks “[a] war of words between opposition leaders and the government has escalated” in the context of “opposition parties holding anti-corruption rallies and calling for the PM’s resignation over allegations of corruption after the Panama Papers revealed the Sharif family’s offshore holdings.” The article also mentions that Prime Minister Nawaz Sharif has criticised sit-ins organised by the opposition party Pakistan Tehreek-e-Insaf (PTI). (Dawn, 6 May 2016)

The above mentioned Tehreek-e-Insaf had also organised nationwide sit-ins from August to December 2014, demanding, amongst other things, the resignation of Prime Minister Nawaz Sharif (The Huffington Post, 17 December 2014). Reporting on 2014, the UK Foreign and Commonwealth Office (FCO) reports on the “widespread opposition led protests against alleged rigging of the 2013 elections”, stating that “[a]lthough numbers were not huge by Pakistan standards, the length of the protests was unprecedented.” The FCO further provides the following assessment of the government’s response to the protests:

“The resultant media coverage increased the level of debate, and awareness amongst ordinary Pakistanis on issues of elections reform, corruption, rights, VIP culture, and dynastic politics. This tested the commitment of the government, law enforcement agencies and army to democracy and the right to peaceful protest. Despite some criticism of the police response to an escalation in protests, the authorities showed considerable restraint during the protests.” (FCO, 12 March 2015)

In its Freedom in the World report 2016 covering the year 2015, Freedom House provides the following summary of the government’s response to protests and demonstrations:

“The constitution guarantees the rights to associate, demonstrate, and organize, but the government sporadically imposes arbitrary restrictions to temporarily ban gatherings or any activity designated a threat to public order.” (Freedom House, 27 January 2016)

For a more detailed description of the right to assembly please see [section 6.5](#) Freedom of Speech, Expression and Assembly.

The USDOS writes about the treatment of members of the political opposition party Muttahida Qaumi Movement (MQM) in its human rights report covering the year 2015:

“Karachi-based political party MQM alleged that the paramilitary Sindh Rangers kidnapped, tortured, and killed some of its members in ongoing security operations

in Karachi. They claimed that as of August, 151 MQM members remained missing and that authorities killed 55 extrajudicially in the operations. The Human Rights Commission of Pakistan called for a probe into extrajudicial killings and disappearances of MQM workers.” (USDOS, 13 April 2016, section 1b)

In August 2015, Radio Free Europe/Radio Liberty (RFE/RL) reports on the shooting of an MQM opposition lawmaker and the struggles between the party and the security forces in Karachi:

“A Pakistani opposition lawmaker was shot and wounded and his driver was killed on August 18 in the southern port city of Karachi. The attack against Abdul Rashid Godil, a member of the Muttahida Qaumi Movement (MQM), occurred as sensitive political negotiations involving his party began. The MQM dominates politics in Karachi but recently has been targeted with raids and arrests by Pakistani security forces. On August 12, MQM lawmakers resigned from Pakistan’s parliament in protest against the operations. The Pakistan Rangers Sindh paramilitary force says the arrested MQM activists are suspects in murder cases and have ties to organized crime. Lieutenant General Naveed Mukhtar says the Karachi operation is political, indiscriminate, and ‘free of any compromise and pressure’.” (RFE/RL, 18 August 2015)

In May 2016, Human Rights Watch (HRW) also reports about the death of an MQM opposition party worker in police custody:

“Pakistani authorities should order an independent civilian investigation into the alleged torture and death of an opposition party worker in Karachi, Human Rights Watch said today. Aftab Ahmad, a member of the opposition Mutahidda Qaumi Movement (MQM), died on May 3, 2016, while in the custody of the Pakistan Rangers, a federal paramilitary force. [...] The Pakistan Rangers’ director general, Maj. Gen. Bilal Akber, admitted that Aftab was tortured in their custody. The same day, the Sindh provincial government extended the paramilitary’s powers to operate under the Anti-Terrorism Act for 77 days. The use of the Rangers in ordinary law enforcement, for which they have not been adequately trained, raises serious human rights concerns, Human Rights Watch said. [...] On May 2, a special Anti-Terrorism Court sent Aftab to 90-day preventive detention for unspecified crimes. The next morning, authorities brought him to the hospital with no pulse and no blood pressure and he was declared dead in minutes. An autopsy report found that over 35 percent of his body was covered in bruises and abrasions inflicted while he was still alive, indicating torture. The autopsy did not provide a cause of death, but Maj. Gen. Bilal Akber claimed Aftab died from a heart attack and not because of the torture. In an unusual step, the chief of army staff, Gen. Raheel Sharif, ordered a military inquiry into the death.” (HRW, 6 May 2016)

Nationalists in Balochistan and Sindh were reportedly also targeted by governmental forces. The USDOS provides the following information in its human rights report covering 2015:

“There were reports of alleged kidnapping and killing of individuals in Sindh. In July, Hyderabad Police and the National Database and Registration Authority confirmed

that Sindhi nationalist leader Raja Dahir Bhanbhro had been killed and buried along a highway. Sindhi nationalist group Jeay Sindh Muttahida Mahaz (JSMM) claimed that Dahir was their general secretary and that law enforcement agencies killed him. [...] Allegations that killing of Baloch nationalists were politically motivated continued in Balochistan and Karachi. On August 28, the Voice of Baloch Missing Persons (VBMP) issued a report detailing the discovery of mutilated corpses in Noshki and Kalat districts of Balochistan and what VBMP termed the inadequate measures taken to preserve and identify the bodies. [...] The SATP [South Asia terrorism Portal] reported that journalists, teachers, students, and human rights defenders also were targeted in Balochistan.” (USDOS, 13 April 2016, section 1a)

Human Rights Watch (HRW) also reports that “[t]he security forces continued to unlawfully kill and forcibly disappear suspected Baloch militants and opposition activists in 2015. In January, 13 highly decomposed bodies of ethnic Baloch individuals were found in Khuzdar district” (HRW, 27 January 2016). The USDOS further provides the following summary on the government’s treatment of opponents in Sindh and Balochistan:

“Some Sindhi and Baloch nationalist groups claimed that authorities marked their members for arrest and detained them based on their political affiliation or beliefs. Under the 2009 Aghaz-e-Huqooq Balochistan ‘package’, intended to address the province’s political, social, and economic problems, the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile, as well as those allegedly involved in ‘antistate’ activities. In August the federal and Balochistan provincial governments jointly announced a new peace package called ‘Pur Aman Balochistan’ (‘peaceful Balochistan’), intended to offer cash and other incentives for ‘militants’ who wished to rejoin mainstream society. Despite the amnesty offers, some Baloch groups claimed illegal detention of nationalist leaders by state agencies continued. Several of the missing persons documented by the VBMP were well-known leaders of nationalist political parties and student organizations.” (USDOS, 13 April 2016, section 1e)

Amnesty International (AI) reports on the detention of three Baloch activists, who were planning to attend a conference in the USA in March 2015:

“Three Baloch activists, including Abdul Qadeer Baloch, Vice Chairman of the organization Voice for Baloch Missing Persons, were banned from travelling to the USA in March to attend a conference organized by Sindhi and Baloch activists. They were detained at Karachi airport for a few hours, accused of engaging in terrorism and anti-state activities. No charges were brought against them.” (AI, 24 February 2016)

## 8 Treatment of journalists, other media professionals and media organisations

In its 2016 World Press Freedom Index, Reporters Without Borders (RSF) ranks Pakistan 147th among 180 countries worldwide (compared to rank 159 in the 2015 index) (RSF, 20 April 2016). In its country profile on Pakistan, RSF provides the following summary on the treatment of journalists in the country:

“Journalists are targeted by extremist groups, Islamist organizations and Pakistan’s feared intelligence organizations, all of which are on RSF’s list of predators of press freedom. Although at war with each other, they are all always ready to denounce acts of ‘sacrilege’ by the media. Inevitably, self-censorship is widely practiced within news organizations. The Pakistani media are nonetheless regarded as among the freest in Asia when it comes to covering the squabbling among politicians.” (RSF, 20 April 2016)

In its Freedom of the Press 2016 report (covering 2015), Freedom House lists Pakistan as “not free”, with a score of 64 out of 100 (0 being the best and 100 being the worst) (Freedom House, April 2016). The Freedom House Pakistan country report covering the year 2015 is not yet available at the time of publishing this compilation. In the country report covering the year 2014, Freedom House notes that reporting on judicial matters is “perilous for most journalists” as “[s]ince 2010, broadly defined contempt laws have been employed by the judiciary to curb reporting on particular cases or judges” (Freedom House, 28 April 2015). The same report also writes about the impact of the Protection of Pakistan Act (PPA) and its potential impact on journalists:

“The Protection of Pakistan Act, an antiterrorism law adopted in July 2014, gives security forces expansive powers to search, detain, and use force against suspects, but also includes vague references to ‘internet offenses and other offenses related to information technology.’ The provisions raised concerns that the law could be used against journalists and other news providers” (Freedom House, 28 April 2015)

For a description of the Protection of Pakistan Act (PPA) see [section 4.2.1](#) (militarization of civilian forces) of this compilation.

In a press statement from January 2016, Human Rights Watch reports the following about the difficulties faced by journalists in Pakistan:

“Pakistani journalists have long faced life-threatening obstacles to their work, including harassment, intimidation, assault, kidnapping, and arbitrary arrest and detention. These threats come from the government, security forces, and militant groups. Increasingly, it is security forces who are pressuring editors and media owners to shut down critical voices.” (HRW, 13 January 2016)

In its human rights report covering the year 2015, the US Department of State (USDOS) reports on the self-censorship by media organisations and privately owned wire services, “especially in reporting news about the military forces” (USDOS, 13 April 2016, section 2a). In its World

Report 2016 covering the year 2015, Human Rights Watch (HRW) provides the following summary of self-censorship by journalists:

“Many journalists increasingly practiced self-censorship, fearing retribution from both state security forces and militant groups. Media outlets remained under pressure to avoid reporting on or criticizing human rights violations by the military in counterterrorism operations. The Taliban and other armed groups threatened media outlets and targeted journalists and activists for their work.” (HRW, 27 January 2016)

In a press release from April 2016, the Human Rights Commission of Pakistan (HRCP) states that it “condemns growing overt and covert restrictions and attacks on the news media and hopes and expects that media organisations and journalists would protect their professional integrity and independence” (HRCP, 3 April 2016).

For further information about censorship and freedom of the media, please see [section 6.5](#) (freedom of speech, expression and assembly) of this compilation.

The New York-based Committee to Protect Journalists (CPJ) runs a database of killed journalists since 1992. The database lists “confirmed” death cases of journalists which include cases where CPJ is “reasonably certain that a journalist was murdered in direct reprisal for his or her work, [...] in crossfire during combat situations, [...] or while carrying out a dangerous assignment”. The database lists two journalists as killed in Pakistan in 2014 and two in 2015 (CPJ, 2016). The Foreign and Commonwealth Office (FCO) writes in its 2015 report that “[a]t least seven journalists were killed in 2014, one remains missing, and dozens received death threats” (FCO, 12 March 2015). The USDOS human rights report covering the year 2015 writes that “[i]nformation minister Pervaiz Rashid announced a financial assistance program of one million Pakistani rupees (approximately \$10,000) for families of journalists killed in the line of duty and 300,000 rupees (approximately \$3,000) for the injured” (USDOS, 13 April 2016, section 2a).

According to Amnesty International’s (AI) report covering the year 2015 “[a]t least two media workers were killed and six injured in connection with their work” (AI, 24 February 2016). The USDOS provides the following summary of attacks targeting journalists during the year 2015:

“On June 28 [2015], armed men killed journalist Zafarullah Jatak at his home in Balochistan. The media reported that on November 10 [2015], unidentified persons abducted journalist Afzal Mughal from his home in Quetta. They released him 15 hours later after asking him ‘hundreds of questions’ about his ‘family, professional life, and phone calls from banned militant groups that he said he had received as part of his job.’ On September 8 [2015], gunmen fired on a van owned by the private satellite news channel Geo TV, killing a technician and wounding the driver. On November 3 [2015], TTP [Tehreek-e-Taliban Pakistan] claimed credit for killing journalist Zaman Mehsud. According to news reports, TTP said they killed Mehsud because he was ‘writing against them.’” (USDOS, 13 April 2016, section 2a)

In its annual report covering the year 2015, Human Rights Watch (HRW) also reports that “Baloch journalist Zafarullah Jatak was gunned down in his home in Balochistan’s capital, Quetta” in June 2015. The same report writes that “[i]n April, Syed Wahidur Rahman, a journalism professor and former journalist, was gunned down in Karachi”.(HRW, 27 January 2016).

For an account on journalists and media workers reportedly killed, injured, detained, manhandled and booked in false cases see the Pakistan Media and Safety Report 2015 published by the Pakistan Press Foundation which is accessible via the following link:

- Pakistan Press Foundation: Pakistan Media and Safety Report 2015, January 2016  
<http://www.pakistanpressfoundation.org/wp-content/uploads/2016/01/PPF-Report-New.pdf>

The US Department of State (USDOS) writes in its report covering the year 2015 that “[m]ilitant and local tribal groups detained, threatened, expelled, or otherwise obstructed a number of reporters who covered the conflict in FATA, KP, and Balochistan” (USDOS, 13 April 2016, section 2a). According to a report from the Pakistan Institute of Legislative Development and Transparency (PILDAT) about democracy in Pakistan covering the year 2015, the Provincial Assembly of Balochistan has taken note about the situation of journalists in Balochistan, stating that “[a]nother key area of concern during the Assembly’s 15th Session was the growing insecurity for journalists in reporting of matters of public concern”. According to the report, the Provincial Assembly of Balochistan “unanimously adopted a resolution, condemning killings of the two journalists and an employee of a news agency, and demanded that the culprits be brought to justice on March 09, 2015” (PILDAT, May 2016, p. 39).

In May 2016, the Inter Press Service News Agency (IPS) reports about press freedom in Pakistan’s Federally Administered Tribal Areas (FATA) and in the neighbouring province Khyber Pakhtunkhwa, giving the following overview of the situation of journalists in these regions:

“Pakistan’s Federally Administered Tribal Areas (FATA) is widely viewed as one of the world’s most dangerous places to be a journalist, with at least 14 killed since 2005 and a dozen of those cases still unsolved, according to local and international groups. ‘The situation is extremely bad,’ Ibrahim Shinwari, a former president of the Tribal Union of Journalists (TUJ), told IPS. ‘About 350 reporters working in all seven districts of FATA faced security threats. About 40 of them have left FATA and report stories from the adjacent Khyber Pakhtunkhwa province,’ he said. [...]

Beginning in 2014, Pakistan’s military launched Operation Zarb-e-Azhas, a massive ground and air assault targeting various Islamist militant groups. But the crackdown has also brought new restrictions on the media. Last August, the information ministry issued a draconian code of conduct barring broadcasters from airing material that ‘contains aspersions against the judiciary or armed forces’. And journalists continue to be harassed and even murdered with virtual impunity. ‘No one has been held responsible for killing journalists. There was only one inquiry into Hayatullah Khan’s murder, which was never made public. The killings of all FATA’s reporters are a mystery,’ Shinwari told IPS. [...]

The situation in Khyber Pakhtunkhwa, one of Pakistan's four provinces, is more or less the same, with two journalists killed in a single week this year [...], according to the International Federation of Journalists. [...] Shinwari said that even before the arrival of the Afghan Taliban and subsequent military offensive, FATA-based reporters never enjoyed freedoms like their colleagues in other parts of the country. 'There's no law under which we get information, and we banked on the officials who often look down on the reporters,' he said.

Muhammad Anwar, a journalist from South Waziristan Agency, has been based in the nearby Bannu district of Khyber Pakhtunkhwa for the past five years due to the military campaign against the Taliban. 'We face a lot of problems both from the Taliban and militants. Many of my colleagues have been killed in different districts of FATA but the killers aren't identified as yet,' Anwar told IPS. Some reporters have relocated to Peshawar, the capital of Khyber Pakhtunkhwa, but their families are often targets back home. 'The local administration and Taliban harass our relatives if they dislike some of our stories. In such circumstances, freedom of the press is a far cry away' he said." (IPS, 2 May 2016).

The same article from Inter Press Service News Agency (IPS) from May 2016 cites a journalist who is also based in Bannu district of Khyber Pakhtunkhwa stating that "[a]bout 90 per cent of the reporters are unpaid by the media outlets with which they work, therefore they are unable to pursue careers in journalism". According to the article "Press clubs in other parts of the country receive grants from the government, but those in FATA get only a nominal amount that is not enough to meet expenses" (IPS, 2 May 2016).

In its Pakistan Press Freedom Report published in May 2016, the Pakistan Press Foundation writes about the conviction for the murder of a journalist in Khyber Pakhtunkhwa:

"On March 16, 2016, Aminullah was convicted for the murder of journalist AyubKhattak and awarded life imprisonment and fine of 5 million rupees (US \$ 50,000) by District and Sessions Judge in Karak, a district of Khyber Pakhtunkhwa. This marks only the fourth conviction in Pakistan for the murder of a journalist." (Pakistan Press Foundation, May 2016, p. 8)

### *Treatment of media organisations*

Freedom House notes that "[b]roadcast media are regulated by the Pakistan Electronic Media Regulatory Authority (PEMRA)" (Freedom House, May 2012). The USDOS human rights report provides the following information on PEMRA's activities and their impact on media organisations during the year 2015:

"On August 20, Pakistan Electronic Media Regulatory Authority (PEMRA) released The Electronic Media (Programs and Advertisements) Code of Conduct, which was effective immediately. According to the Committee to Protect Journalists, the 24-point guideline sets strict limits for on-air news coverage and commentary on television and radio. On November 2, PEMRA prohibited media from covering the

activities of any militant organizations banned by the government, reportedly to bring the country into compliance with UN terrorism-related sanctions regimes. [...] According to Freedom House, authorities used PEMRA rules to silence the broadcast media by either suspending licenses or threatening to do so. [...] In May, PEMRA issued a blanket ban on all transmissions deemed to be against the judiciary, Pakistan army, or various law enforcement agencies. PEMRA issued the directive in reaction to 14 news channels airing a controversial speech on May 1 by MQM party leader Altaf Hussain that was critical of the military.” (USDOS, 13 April 2016, section 2a)

The Code of Conduct released by the Pakistan Electronic Media Regulatory Authority (PEMRA) can be accessed via the following link:

- Ministry of Information, Broadcasting and National Heritage (Pakistan): Electronic Media (Programs and Advertisements) Code of Conduct, 2015, 19 August 2015  
[http://58.65.182.183/pemra/pemgov/wp-content/uploads/2015/08/Code\\_of\\_Conduct.pdf](http://58.65.182.183/pemra/pemgov/wp-content/uploads/2015/08/Code_of_Conduct.pdf)

In its human rights report covering the year 2015, the USDOS writes the following on the media landscape in Pakistan:

“Private cable and satellite channels broadcast domestic news and criticized the government. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC, were normally available. There was complete blockage of transmissions of Indian television news channels.” (USDOS, 13 April 2016, section 2a)

The same USDOS report also provides information on the practice of fining private television channels in its human rights report covering the year 2015:

“The government fined private television channels for alleged violations of the ‘Code of Ethics’ and for showing banned content on-screen. Final fines depended on legal proceedings and decisions, but initial fines were between \$1,000 and \$10,000 per violation. The NGO Intermedia reported that state-run Pakistan Television did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. According to Freedom House, authorities used PEMRA rules to silence the broadcast media by either suspending licenses or threatening to do so. Some civil society leaders reported that military authorities frequently pressured journalists to modify the content of articles and opinion pieces critical of military actions.” (USDOS, 13 April 2016, section 2a)

According to the Freedom House Freedom of the Press 2015 report (covering the year 2014), “[c]able television operators occasionally pressure media outlets to censor views that could conflict with their business interests, or suspend transmission of certain channels in response to threats” (Freedom House, 28 April 2015). The report further writes that “[i]n October and December [2014], cable providers suspended broadcasts of multiple news channels in Karachi and Balochistan after receiving threats” (Freedom House, 28 April 2015). Another example is provided by the treatment of Geo TV in May 2014, when “many cable providers—apparently

under pressure from the military—dropped Geo TV from their services or gave it a less prominent position” (Freedom House, 28 April 2015). In a press statement from April 2016, the Pakistan Press Foundation writes that “[i]t must be remembered that for the last two years, Geo TV has been a victim of discrimination, and this attitude is still going on” and that “[a]s a result of this prejudice, the distribution system on the cable network has not been made fully operational by the government” (Pakistan Press Foundation, 1 April 2016). The press statement continues stating the following on the treatment of Geo TV:

“Geo TV has incurred a loss of billions of rupees. As a result of this loss, the Geo TV management has come under immense monetary pressure and salaries to employees have been getting delayed for the last two years. Putting Geo TV off air will affect the freedom of the media and will be tantamount to a ban on the freedom of expression. It is an attempt to gag the media so that policies to control the media can be manipulated.” (Pakistan Press Foundation, 1 April 2016)

In January 2016, the Committee to Protect Journalists (CPJ) published a statement which describes a grenade attack on the broadcaster ARY News. The CPJ quotes, Ammad Yousaf, the senior vice president of ARY News, saying that “[a] video editor, Umar Hayat, was wounded in the attack, and windows at the front of the building were damaged when two men on motorcycles threw a grenade at the offices” (CPJ, 13 January 2016). According to CPJ Asia Program Coordinator Bob Dietz “[a]uthorities’ failure to address the entrenched impunity in anti-press violence enables attack after attack”. The militant group Islamic State Wilayah Khurasan claimed responsibility for the attack on ARY News by reportedly throwing pamphlets outside the office which “warned the broadcaster about its coverage of the Pakistani military offensive against militants in the North Waziristan tribal region, and accused it of covering up ‘destruction and massacres’ allegedly by the army.” (CPJ, 13 January 2016).

For further information about freedom of expression, please see [section 6.5](#) (freedom of speech, expression and assembly) of this compilation.

## 9 Treatment of human rights defenders and civil society organisations

### *Treatment of human rights defenders*

In its report covering the year 2015, Amnesty International (AI) writes that human rights activists “experienced harassment and abuse” (AI, 24 February 2016). An Urgent Action from AI published in January 2016 petitions for human rights defender Saeed Baloch and provides the following information on treatment of human rights defenders:

“Human rights defender Saeed Baloch was arrested in Karachi on 16 January by members of the Rangers, Pakistan’s paramilitary police force. Following national and international pressure, he was presented in court on 26 January. The Rangers claimed he had only been arrested on 25 January. He has been placed under a preventative detention order for three months under the Anti-Terrorism Act. [...] Another human rights defender, Rizwan Akram Niazi, the Faisalabad coordinator for Defence for Human Rights Pakistan, an organisation working with families of missing persons was arrested by members of the Elite Force, a branch of the Punjab Police. According to his lawyer and colleagues, he was taken from his home in Faisalabad in front of his family members on 11 November 2015, a day after he organised a protest against enforced disappearances. His whereabouts still remain unknown. [...] [H]uman rights defenders in Pakistan continue to be arrested, detained and imprisoned simply for their involvement in peaceful activities. Human rights defenders in Pakistan also face intimidation and harassment.” (AI, 29 January 2016, pp. 1-2)

In May 2016, the BBC reports about the disappearance of Zeenat Shahzadi, who “was a freelance reporter for local channels and also liked to call herself a human rights activist” (BBC News, 11 May 2016). BBC quotes Zeenat Shahzadi’s family and human rights lawyer Hina Jilani:

“Her family and human rights groups say she was abducted by security agencies who have been accused of illegally detaining thousands of people under the guise of anti-terrorism operations. [...] Human rights lawyer Hina Jilani says Zeenat’s disappearance did not come out of nowhere. ‘Zeenat’s family told us that Zeenat was forcefully picked up by security officials before [her disappearance] and detained for four hours,’ said Hina Jilani.” (BBC News, 11 May 2016)

Reporting about human rights defenders being targeted by militant extremist groups, Human Rights Watch (HRW) states in a press release from May 2016 that “[t]he Pakistani government has failed to take a clear stand against intimidation and violence by militant groups or defend the right to freedom of expression” (HRW, 10 May 2016). The same press release further provides the following details regarding the case of human rights activist Khurram Zaki:

“Pakistani authorities should conduct a prompt and impartial investigation into the killing of human rights activist Khurram Zaki and appropriately prosecute those responsible, Human Rights Watch said today. Zaki, 40, had been publicly critical of extremist cleric Abdul Aziz and militant sectarian groups. On May 7, 2016, four unidentified gunmen opened fire on Zaki at a restaurant in Karachi, killing him and

wounding two others. Zaki had been receiving threats and had confided to friends that he was on several militant 'hitlists'. 'A thorough and impartial investigation with proper witness protections is absolutely critical to ensure those responsible for Khurram Zaki's death are brought to justice,' said Brad Adams, Asia director at Human Rights Watch. 'It's appalling that activists who are at the forefront of opposing violence by militant groups should themselves become targets.' [...] Zaki had been leading a public campaign against Abdul Aziz and militant sectarian organizations. He had filed a police complaint against Abdul Aziz for inciting violence against Shia and was a vocal critic of ASWJ [Ahle-Sunnt-Wal-Jammat] and LeJ [Lashkar-e-Jhangvi]. [...] 'Zaki's murder highlights the unacceptably dangerous climate that human rights defenders face across Pakistan,' Adams said." (HRW, 10 May 2016)

Following Khurram Zaki's murder in May 2016, the Wall Street Journal (WSJ) reports the following about the dangers as well as governmental protection of human rights defenders in Pakistan:

"His [Khurram Zaki's] murder has renewed calls from local and international groups for better protection of human rights activists in Pakistan, where campaigning against extremism is often fraught with danger. [...] Activists and human rights lawyers have been regularly threatened and attacked in recent years. Last year in April, Sabeen Mahmud, a well-known human rights campaigner, was shot dead by militants who, security officials said, wanted to link up with Islamic State. In 2014, gunmen killed Rashid Rehman, a human rights lawyer who was defending a man accused of blasphemy. Earlier that year, prominent analyst and activist Raza Rumi survived an assassination attempt. Rights groups say the environment in Pakistan has become hostile in recent years with rising extremism and militant groups threatening violence against those who speak out against them, including campaigners, lawyers and journalists. Activists have also complained about intimidation by the authorities and criminal groups. 'Extremism has increased in Pakistan. We've seen many human rights defenders targeted over the years,' said Zohra Yusuf, chairperson of the Human Rights Commission of Pakistan, an independent organization. 'You can't expect the government to protect every human rights defender, but they need to crack down on those who are preaching violence and extremism.'" (WSJ, 11 May 2016)

Referring to the above-mentioned case of Ms. Sabeen Mahmud, owner of a non-profit organisation, the International Federation for Human Rights (FIDH) released a statement in April 2015. The statement quotes FIDH President, Karim Lahidji, stating that "[t]he murder of Ms. Sabeen Mahmud constitutes yet another example of the silencing of any dissenting voices in Pakistan and of the shrinking of public space for civil society within the country". It further refers to Orangi Pilot Project (OPP) Director, Perween Rahman and Human Rights Commission of Pakistan Coordinator Rashid Rehman who were both killed over the past two years and reports that "no investigation has led to the conviction of their murderer so far." (FIDH, 27 April 2015)

In June 2016, the public and governmental response that followed an incident of verbal abuse and attempted assault of a human rights defender on television was reported. Human Rights Watch (HRW) writes that “[d]uring a June 10 television program, a senator from an Islamist political party, Jamiat Ulema-e-Islam (F), verbally abused and attempted to physically assault Marvi Sirmed, a human rights activist, for criticizing the CII [Council of Islamic Ideology]” (HRW, 14 June 2016). According to The Express Tribune, “[t]he incident provoked a fiery response from lawmakers and rights activists and the civil society alike”. The same article notes that Marvi Sirmed “filed an application against Senator Hafiz Hamdullah on Saturday hours after he allegedly threatened her and attempted to thrash her during a television show” (The Express Tribune, 12 June 2016). Three days later The Express Tribune reports that “police booked the senator under sections 506 (criminal intimidation) and 354 (assault or criminal force to a woman with intent to outrage her modesty) of the Pakistan Penal Code.” The investigation officer in the case, who was asked whether police would arrest the senator, said “police could book a lawmaker, but needed permission of the National Assembly speaker or the Senate chairman, as the case maybe, to arrest one” (The Express Tribune, 15 June 2016).

### *Treatment of Civil Society Organisations*

The International Center for Not-for-Profit Law (ICNL) provides the following overview of civil society organisations and the non-profit sector in Pakistan in January 2016:

“The not-for-profit sector in Pakistan has grown considerably in recent years in terms of both its size and its scope of work. Today, Pakistan’s 45,000 organizations employ about 300,000 persons, utilize 200,000 full time staff, and engage in a wide set of activities ranging from service delivery to sophisticated financial services to technical advice in areas like agricultural extension, water and sanitation, and housing construction. Increasingly, civil society organizations (CSOs) are engaged in lobbying for legal and fiscal reform and take a pro-active approach in defining issues for the national agenda. This new role is partly derived from the comparatively large volume of resources the civil society sector now commands. A large proportion (38%) of organizations is not registered under any law. Even those that are registered are not necessarily subject to monitoring and evaluation under the regulatory system. To address this issue, the Pakistan Centre for Philanthropy instituted a CSO [Civil Society Organisations] certification regime for tax exemption and systems evaluation, which has been ongoing since 2003. [...]

Generally, the legal framework for CSOs may be divided into several categories. Some laws govern the registration, internal governance and accountability of organizations. Other laws govern how they are financed and managed. Still other laws govern the reporting relationship between the State and CSOs with respect to their operations or the manner in which they treat their employees. Taken as a whole, the legal framework can be considered generally enabling for civil society and the activities of CSOs.” (ICNL, 25 January 2016)

An overview of the various national laws regulating non-governmental organisations can be accessed via the following link:

- ICNL - International Center for Not-for-Profit Law: NGO Law Monitor: Pakistan, 25 January 2016  
<http://www.icnl.org/research/monitor/pakistan.html>

In its human rights report covering the year 2015, the US Department of State (USDOS) provides the following overview of changes in regulations, rules for registration and potential restrictions for international NGOs (INGOs):

“The country has begun to implement new regulations governing international NGOs (INGOs). Observers believed some aspects of the policy could potentially constrict INGO operating space. On June 11 [2015], the government ordered the INGO Save the Children to close and its foreign staff to depart within 15 days, but later rescinded that decision. In July the government announced that the mandate for INGO registration would shift from the Ministry of Finance’s Economic Affairs Division to the Ministry of Interior, and all INGOs needed to reregister via an online registration system. As of the end of the year, the government had not rejected any INGO registrations. In October the government announced new policies governing the registration and activities of INGOs. The policies included bans on INGO participation in ‘political activities’ and ‘antistate activities,’ but neither defined these terms nor indicated what body would be responsible for arbitrating claims against INGOs. Many INGOs expressed concern that authorities would use these prohibitions to curtail work on projects related to governance or human rights advocacy. The government stated that the new policy and registration process were needed to improve oversight over domestic and international NGOs, to clarify the regulations that govern their work, and to improve the tracking of the foreign funding that supports them. INGOs continued to experience challenges in obtaining visas for foreign staff and ‘no-objection certificates’ (NOCs) for in-country travel.” (USDOS, 13 April 2016, section 2b)

In its human rights report covering the year 2015, Amnesty International (AI) also reports about a new policy “requiring all international NGOs to register and obtain permission from the Ministry of Interior for carrying out activities” which was announced in October 2015. According to the report, “[t]he policy also empowered the government to monitor their [INGOs] funds and operations and to close them down on the basis of activities considered to be against the interests of Pakistan” (AI, 24 February 2016). In its NGO Law Monitor from January 2016, the International Center for Not-for-Profit Law (ICNL) notes that “INGOs have reported that the registration process is not only onerous, but includes numerous additional hurdles that are not outlined in the new INGO policy”. The same ICNL Monitor notes that “[o]ne additional requirement reportedly demands fees of several thousands of US dollars. Additionally, local staff reportedly have been harassed and/or received phone calls at their homes from security services” (ICNL, 25 January 2016).

The Policy for regulation of International Non-governmental Organizations (INGOs) in Pakistan can be accessed via the following link:

- Ministry of Interior (Pakistan): Policy for regulation of International Non-governmental Organizations (INGOs) in Pakistan, 1 October 2015  
[https://ingo.interior.gov.pk/INGO\\_Policy.docx](https://ingo.interior.gov.pk/INGO_Policy.docx)

In the above-cited NGO Law Monitor of the ICNL from January 2016 it is also noted that as of November 2015, “the Human Rights Directorate of the Government of Khyber Pakhtukhwa is requiring all NGOs working on human rights issues to register with the Human Rights Directorate, or action will be taken against them” (ICNL, 25 January 2016). Civil Society Organisations in KP are reportedly concerned that this registration mechanism “will be onerous and expensive” (ICNL, 25 January 2016). The USDOS reports the following on human rights groups and their access to Khyber Pakhtunkhwa, FATA, and Balochistan during the reporting period 2015:

“A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some groups that implicated the government, or the military or intelligence services, in misdeeds or worked on issues related to IDPs and areas of conflict reported their operations were at times restricted. Very few NGOs had access to KP, FATA, and certain areas in Balochistan. International staff members of organizations faced delays in the issuance of visas and NOCs [No Objection Certificates] for in-country travel.” (USDOS, 13 April 2016, section 5)

The USDOS further outlines that the government “required humanitarian organizations assisting civilians displaced by military operations to request NOCs [No Objection Certificates] to access Mohmand and Kurram agencies in FATA” and that “[a]ccording to humanitarian agencies and NGOs, the NOC application process was cumbersome” (USDOS, 13 April 2016, section 2d). Providing information on the security situation for NGOs in FATA, the USDOS states the following:

“The government maintained IDP camps inside and near the FATA agencies where military operations took place despite access and security concerns raised by humanitarian agencies. Humanitarian agency workers providing assistance in the camps were exposed to danger when travelling to and within FATA. UN agencies maintained access to the camps and the affected areas mainly through local NGOs.” (USDOS, 13 April 2016, section 2d)

Additionally, the USDOS human rights report for the year 2015 writes that “[s]ecurity threats were a problem for NGO workers, and organizations that promoted women’s rights faced particular challenges” (USDOS, 13 April 2016, section 5).

## 10 Treatment of women

This chapter should be read in conjunction with [section 6.10](#) (sexual and gender-based violence) and [section 6.11](#) (harmful traditional practices) of this compilation.

### 10.1 Access to medical care

In its concluding observations on the fourth periodic report of Pakistan to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) from March 2013, CEDAW expresses the following concerns:

“The Committee is concerned about the high maternal mortality rate in the State party, women’s lack of adequate access to family planning services, including contraceptives, restrictive abortion laws and the large number of women resorting to unsafe abortions, as well as the lack of adequate post-abortion care services. It is further concerned at the wide privatization of the health system and the inadequate budget allocated to the health sector, in particular with regard to sexual and reproductive health-care services, especially in rural remote areas.” (CEDAW, 27 March 2013, p. 9)

In a publication about family planning policies, the Government of Sindh explains that “Pakistan is in transition, in terms of repositioning population, health and other social sectors”. With the 18th amendment of the Constitution in 2010, “the departments of Health and Population were transferred to the provinces” and “it is now the prerogative of the provinces to develop their policies, plans and programmes” (Government of Sindh, December 2015, p. 1).

In its Status Report on Women’s Economic Participation and Empowerment from May 2016, UN Women Pakistan provides the following overview of options to access to healthcare for women:

“The Benazir Income Support Program (BISP) launched a Life & Health Insurance scheme (Waseele-Sehat) to offer outpatient and inpatient treatment of designated medical and surgical conditions but with limited liability. More recently, the Ministry of National Health Services, Regulations and Coordination launched a new National Health Insurance Program for the poor and women to access quality healthcare services (National Health Insurance Program 2015). The poor access the limited healthcare available to them from a number of charities and foundations such as the Edhi Foundation, Aga Khan Foundation, Al Shifa Trust, etc. (Healthcare Financing in Pakistan 2005).” (UN Women Pakistan, May 2016, p. 32)

The Pakistan Economic Survey 2015-16 published by the Ministry of Finance provides the following overview of maternal health in Pakistan:

“Mother and Child health has been one of the priority areas of public health in Pakistan. This program has been launched by the government in order to improve Maternal and Neonatal health service for all, particularly the poor and the disadvantaged at all levels of health care delivery system. It aims to provide improved access to high quality Mother and Child health and Family Planning services, trained 10,000 community midwives, provision of comprehensive

Emergency Obstetric and Neonatal Care (EmONC) services in 275 hospitals/ health facilities, provision of basic EmONC services in 550 health facilities and family planning services in all health outlets. Despite these modalities, Pakistan has shown a modest improvement. The Infant Mortality Rate (IMR) and Under Five Mortality Rate (U5MR) has reduced from 74 and 92 per thousand respectively, in 2010 [...] to 66 and 81 per thousand in 2015, a reduction of 10 percent. However, Maternal Mortality Rate (MMR) 178/100000 in 2015 is still very high as compared to the other countries in the region. It is envisaged that successful implementation of this project will bring these indicators in a respective range with improved health status of mothers and children.” (Ministry of Finance, Health and Nutrition, 2 June 2016, p. 193)

In its human rights report covering the year 2015, the US Department of State (USDOS) also provides the maternal mortality ratio, referring to similar figures from 2013. The source also provides information on women’s access to the relevant medical services:

“According to the most recent UN research, the maternal mortality ratio was 170 deaths per 100,000 live births in 2013, a rate attributed to lack of information and services. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF, deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA hindered the situation for mothers and children. According to the National Institute of Population Studies’ 2012-13 Demographic and Health Survey, 27 percent of women received no prenatal care; however, the report showed a substantial improvement in the proportion of mothers receiving antenatal care over the prior 13 years, increasing from 43 percent in 2001 to 73 percent in 2013. The survey also revealed that skilled health-care providers delivered 52 percent of births and that 48 percent of births took place in a medical facility.” (USDOS, 13 April 2016, section 6)

The above-mentioned Pakistan Demographic and Health Survey (PDHS) 2012-13 can be accessed via the following link:

- NIPS - National Institute of Population Studies/ICF International: Pakistan Demographic and Health Survey 2012-13, December 2013  
<https://dhsprogram.com/pubs/pdf/FR290/FR290.pdf>

In May 2016, the Express Tribune reports about maternal health stating that 5.000 women in Pakistan per year suffer from fistula which is “a hole between the birth canal and the rectum or bladder that leads to continuous, uncontrollable flow of urine or faeces, or both”. The main cause for fistula is “prolonged obstructed labour without timely emergency obstetric care” but the condition “could be repaired through a surgical procedure”. According to the article, a petition was filed in Sindh, pleading that “the provincial government be held accountable for the denial of timely and adequate treatment of obstetric fistula as violations of women’s fundamental rights under the Constitution, including their rights to life and dignity.” (The Express Tribune, 20 May 2016)

The Population Council published a report on maternal health and family planning, analysing provincial data from the Pakistan Demographic and Health Survey (PDHS) 2012-13. The report can be accessed via the following link:

- Population Council: Prioritizing Family Planning for Achieving Provincial Maternal Child Health and Development Goals, March 2014  
[http://www.popcouncil.org/uploads/pdfs/2014RH\\_PrioritizingFP\\_RAF-Report.pdf](http://www.popcouncil.org/uploads/pdfs/2014RH_PrioritizingFP_RAF-Report.pdf)

For more information on family planning please see [section 10.2](#) (reproductive rights) of this compilation.

In order to improve services for reproductive health and family planning, the government introduced a “Lady Health Workers” program (LHW) in the 1990s (SWP, February 2015, p. 16). In a report submitted to the Committee on Economic, Social and Cultural Rights in February 2016, the government provides the following information on the LHW program:

“Government of Pakistan launched Lady Health Workers (LHWs) program in 1994. [...] This country-wide initiative, with community participation, constitutes the main thrust of the extension of outreach health services to the rural population and urban slums communities through deployment of 105,086 LHWs covering more than 65% of the target population. Apart from other educational and training programs for the LHWs, they are trained in specialized fields which include Maternal Health, Nutrition, Family Planning, Child Health awareness all having relevance to the creation of awareness about nutrition, health and hygiene.” (Government of Pakistan, 4 February 2016, p. 35)

The World Health Organisation (WHO) published a case study in cooperation with the Global Health Workforce Alliance about the Lady Health Worker Programme in Pakistan in 2008, stating that “Pakistan’s health sector is characterised by urban-rural disparities and an imbalance in the health workforce, with insufficient numbers of health managers, nurses, paramedics and skilled birth attendants” (WHO/Global Health Workforce Alliance, 1 January 2008, p. 2). An article of the Inter Press Service (IPS) from October 2015, which reports about a government scheme in Khyber Pakhtunkhwa in support of maternal health as well as the Lady Health Workers-Program, provides insights into the difficulties of accessing health care for women in rural areas of Pakistan:

“Ahmed, a wage worker, is beneficiary of the scheme launched by the provincial government to cut maternal mortality ratio (MMR) by offering the equivalent of US\$ 10 to each of the pregnant women per visit to the hospital. It is the family’s second visit to this BHU [basic health unit]. ‘We have got \$20 so far. The money we received has been paid on transportation charges to reach this hospital. Without this, our visit couldn’t have been possible,’ he said.

The KP is one four Pakistani provinces to start such a program. The World Health Organization’s Dr Kashif Ahmed told IPS that the province has 29 per cent literacy rate, lower than rest of the country, and accordingly many people aren’t aware of pregnancy-related problems or are too shy to be seen by doctors. [...] ‘At present

only 50 per cent of women in the province receive any form of ante-natal care and only 25 per cent are receiving any form of post-natal care from a trained birth attendant,' he said.

[...] Another challenge is that women in this male-dominated society are also not readily coming to hospitals because they want to be seen by women doctors and there is an extreme shortage of them, as well as of nurses. KP's director-general for health, Dr Pervez Kamal, told IPS that the majority of the province's 2.2 million people live in remote rural areas and thereby have difficulty in accessing primary healthcare facilities. It is hoped that providing cash payments will enable them to hire transport and reach the hospitals, he said. We have also put the place the services of 500 women doctors or Lady Health Workers (LHWs) in all the 1,680 rural health centres in the province to encourage the women to come there and get examined by females,' said Kamal." (IPS, 11 October 2015)

The Human Rights Commission of Pakistan (HRCP) points out that "Pakistan's Economic Survey 2014-2015 revealed that the life expectancy for females had improved from 66.9 year to 67.3 years in the fiscal year 2014-2015" (HRCP, March 2016, women, p. 6). The same survey for the year 2015-2016 indicates a further improvement to 67.7 years (Ministry of Finance, Population, 2 June 2016, p. 199). The HRCP report identifies breast cancer as "one of the most serious diseases affecting women in Pakistan" (HRCP, March 2016, women, p. 7). The HRCP provides the following information on the illness and access to treatment:

"According to Pink Ribbon Pakistan a nation-wide campaign working in the country to create awareness on the disease, Pakistan has the highest incidence of breast cancer in Asia with one out of nine diagnosed with this disease at some point in their life 'About 40,000 women die each year of breast cancer in Pakistan, largely because there are almost no facilities for diagnosis and treatment of the disease, particularly in rural areas' it said." (HRCP, March 2016, women, p. 7)

## 10.2 Reproductive rights

The US Department of State (USDOS) provides the following summary of reproductive rights for women in Pakistan in its human rights report covering the year 2015:

"Couples and individuals have the right to decide the number, spacing, and timing of children, but they often lacked the information and means to do so. Couples and individuals did not have the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and reproductive rights. They often lacked information and means to access care. According to a survey by the Women's Empowerment Group released during 2013, only 25 percent of adolescents were aware of their sexual and reproductive rights. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy. According to UN Population Division estimates in 2014, 28 percent of women of reproductive age used a modern method of contraception. Access by women, particularly in rural areas, to health

and reproductive rights education remained difficult due to social constraints. For these same reasons, data collection was also difficult.” (USDOS, 13 April 2016, section 6)

In December 2014, United Nations Development Programme (UNDP) notes that the Reproductive Healthcare and Rights Act, 2013 was passed by the National Assembly on 12 March 2013 and is awaiting approval by the Senate (UNDP, 15 December 2014, p. 87). However, a list published by the Secretariat of the Senate of Pakistan mentions the Reproductive Healthcare and Rights Bill, 2013, which was received by the National Assembly on 14 March 2013 as “not passed by the Senate and lapsed under Article 76 of the Constitution on dissolution of National Assembly on 16th March, 2013” (Senate of Pakistan, 2013, Annexure-VI).

For information on healthcare-related issues please see [section 10.1](#) (access to medical care) of this compilation.

### *Family planning and contraception*

In its Contraceptive Performance Report 2014-2015, the Pakistan Bureau of Statistics points out that “[t]he overall Contraceptive Prevalence Rate (CPR) by modern methods, during 2014-15 is 25.54% which is lower than 27.41% in the year 2013-14.” The report indicates the Contraceptive Prevalence Rate for Punjab to be 16.65%, for Sindh 12.10%, for Khyber Pakhtunkhwa 21.78% and for Balochistan 6.93%, and shows the highest CPR for the Federal district Islamabad at 41.36% (Pakistan Bureau of Statistics, 2016, p. 18). The same report notes that at the 2012 London Summit on family Planning, “Pakistan committed to increasing the contraceptive prevalence rate to 55% by 2020” (Pakistan Bureau of Statistics, 2016, p. 2).

The International Planned Parenthood Foundation (IPPF), a Federation of 152 Member Associations, working in 172 countries, provides brief summaries called “Spotlight on family planning: Tracking progress on FP2020 pledges” which includes a publication on Pakistan. According to the IPPF, “[a]ll provincial governments are implementing strategic health plans that include family planning promotion” (IPPF, 2015). In its report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) writes about the introduction of a provincial population policy in Khyber Pakhtunkhwa:

“The Khyber Pakhtunkhwa government approved the first Provincial Population Policy 2015. This policy was developed to improve maternal health and child survival and comply with various international and national commitments made by Pakistan, especially Family Planning 2020 (FP2020) and Sustainable Development Goals 2015-30. The policy aimed at ensuring that family planning services reach out to the vulnerable and poorest through its infrastructure and both men and women who required services for family planning receive it without any difficulty with respect for their choices and needs.” (HRCP, March 2016, women, pp. 6-7)

The German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP), an institute providing policy advice on international politics and foreign and security

policy, points out that despite political statements and formal objectives formulated by the government, most experts reportedly agree that one of the main obstacles for the implementation of family planning policy in Pakistan is the lack of political will in this regard. The SWP further states, that this also includes the commitments made during the London Summit of Family Planning 2012, which the Pakistani government will probably not be able to fulfill (SWP, February 2015, p. 17). The Washington-based PewResearchCenter, which conducts public opinion polling and demographic research worldwide, published a survey asking people in 40 countries about what is morally unacceptable, morally acceptable or not a moral issue in April 2014. According to the survey “[o]nly in Pakistan, Nigeria and Ghana did half or more say contraceptives were immoral” (whereas the kind of contraceptive was not specified in the question) (PewResearchCenter, 15 April 2014).

In May 2016, Reuters reports that “Pakistan has banned advertisements for contraceptive products on television and radio over concern that they expose inquisitive children to the subject of sex.” According to the article, the Pakistan Electronic Media Regulatory Authority (PEMRA) said that “it was acting in response to complaints from parents and its ban covered all contraceptive, birth control and family planning products” (Reuters, 28 May 2016). The Pakistani newspaper Dawn reports, however, that it didn’t take long until the ban was lifted again because “[w]ithin days of imposing a ban [...] the Pakistan Electronic Media Regulatory Authority (Pemra) realised that promoting birth control measures was part of the national agenda and could not be banned”. According to the same article from Dawn, “the revised notification issued by the Authority [...] showed that the regulator had done some soul-searching following a backlash from civil society, particularly on social media”. Dawn further reports that PEMRA claimed it had also been receiving complaints from state institutions and “[t]hough Pemra officials declined to name these state institutions, they insisted that complaints against contraceptive advertisements had been received by the authority via post, email and on their helpline.” (Dawn, 29 May 2016)

### *Abortion and post-abortion care*

The Pakistan Penal Code prohibits abortion (Pakistan Penal Code, 1860, amended as of 24 March 2016, Sections 338, 338A, 338B, 338C). The United Nations Development Programme (UNDP) provides the following summary about the prohibition of abortion stipulated in the Pakistan Penal Code (PPC):

“Abortion is a criminal act under the laws of Pakistan, with its punishment having been prescribed by the Pakistan Penal Code, 1860. The provisions of PPC pertain to abortion at two different stages of development of the fetus and the punishments also differ for the same:

- (a) Section 338 of the PPC pertains to abortion, when the organs of the fetus have not formed and defines the same as ‘Isqat-i-Hamal’; and
- (b) Section 338B of the PPC pertains to abortion, when some limbs or organs of the fetus have formed and defines it as ‘Isqat-i-Janin’. Both these sections also apply to women who cause themselves to abort.

In case of Isqat-i-Hamal, i.e. if the organs of the fetus have not been formed, it would not constitute an offence under Section 338, if it has been 'caused in good faith for the purpose of saving the life of the woman or providing necessary treatment to her'. Under Section 338B, it would not constitute Isqat-i-Janin, i.e. abortion of a fetus whose limbs or organs have formed, when the same been 'caused in good faith for the purpose of saving the life of the woman'."(UNDP, 15 December 2014, pp. 85-86)

The Pakistani newspaper Dawn published an article about a study by the Population Council which was launched in January 2015 and looks at abortion rates in 2012:

"A recent study revealed that an estimated 2.25 million abortions were conducted in Pakistan in 2012. Almost all these abortions were clandestine and the health and lives of women were at risk. There were 50 abortions per 1,000 women aged 15-49 in 2012 and 27 in 2002. [...] The study shows that in 2012, an estimated 623,000 Pakistani women were treated for complications resulting from induced abortions, the vast majority of which were performed by unqualified people or involved traditional methods. [...] It concludes that there is need to strengthen the family planning programme and improve the quality and coverage of post-abortion services." (Dawn, 29 January 2015)

The study can be accessed via the following link:

- Population Council: Induced Abortion and Unintended Pregnancies in Pakistan, 2012, September 2014

[http://www.popcouncil.org/uploads/pdfs/2014RH\\_PostabortionCare\\_Pakistan.pdf](http://www.popcouncil.org/uploads/pdfs/2014RH_PostabortionCare_Pakistan.pdf)

The International Business Times (IBT) refers to another study published in the International Journal of Obstetrics & Gynaecology which looks at treatment for medical complications resulting from unsafe pregnancy termination reviewing evidence from 26 countries. According to the IBT, "[t]he latest study showed Pakistan (where abortion is legal only to preserve the mother's health) to have the highest rate of complications from unsafe abortions, with 14.6 in every 1,000 women aged between 15 and 44 needing treatment" (IBT, 19 August 2015).

The Human Rights Commission of Pakistan (HRCP) provides the following summary on abortions and treatment in its June 2015 civil society mid-term assessment report for Pakistan's Universal Periodic Review:

"The government has also failed to amend or repeal its restrictive abortion laws. Because of these restrictions, women are forced to resort to unsafe, illegal abortions, which often result in life threatening complications after the procedure. The government has not introduced any national policy or guidelines on postabortion care. [...] The government of Punjab has also added misoprostol, a drug used to prevent and treat post-partum hemorrhage (PPH) and post abortion complications to the 'essential medicines list', thereby making it available in all public sector health facilities and pharmacies. However, this move has not been

accompanied by an awareness campaign for disseminating information regarding its usage among women and birth attendants.” (HRCP, June 2015, p. 32)

### 10.3 Political participation

In its report *Freedom in the World* covering the year 2015, Freedom House provides the following information about the political participation of women in Pakistan:

“A number of reforms have been enacted in recent years to improve conditions for women. However, the implementation of protective laws has been weak, and violence against women continues unabated. In addition to acid attacks, domestic violence, rape, and so-called honor crimes, women face restrictions on voting and education, especially in KPK, the FATA, and Baluchistan. Political parties maintain women’s wings that are active during elections. However, currently no women hold posts in the federal cabinet or at the helm of mainstream political parties.” (Freedom House, 27 January 2016)

In an article about the turnout at the general elections in 2013, the Swiss newspaper *Neue Zürcher Zeitung* (NZZ) reports that an exceptional amount of young voters and women were waiting at the polling stations to cast their vote (NZZ, 11 November 2013). A report from the International Crisis Group (ICG) published in April 2015 provides the following reasoning about the high turnout of women at the elections in 2013:

“The Election Laws (Amendment) Act 2011 made voter registration contingent on possession of a computerised national identity card (CNIC) issued by the National Database and Registration Authority (NADRA). With CNIC issuance to women a priority, electoral rolls included 86 per cent of eligible women voters in 2012, compared to 50 per cent in 2008. The increase can also partly be explained by the Benazir Income Support Program (BISP), a national social safety measure the PPP [Pakistan Peoples Party] government launched in 2008. It gives a monthly stipend to female heads of household subsisting on less than 6,000 rupees (around \$60) a month. A CNIC is required for BISP registration. Women voters in FATA and KPK, where female mobility is most restricted, also increased because of the displacement of hundreds of thousands from inaccessible and insecure areas to urban centres and relief camps due to militant violence, military operations and floods. A CNIC is needed to register as a displaced person and so gain access to resulting goods and services. Women who obtain them become eligible voters.” (ICG, 8 April 2015, pp. 10-11)

The Human Rights Commission of Pakistan (HRCP) notes however that the gap between male and female voters has increased since 2013:

“In terms of electoral participation, according to voter registration data released by the Election Commission of Pakistan (ECP) the gap between male and female voters widened from 10.97 million in May 2013 to 11.65m in September 2015. The overall percentage of female voters stood at 43.74 per cent against 56.26 per cent male voters. In Punjab, the ratio of female voters was 43.93 per cent against 56.07 per cent male voters, in Sindh the female voters constituted 44.68 pc of the total

registered voters, in Khyber Pakhtunkhwa 42.97 per cent women and 57.03 per cent men and the ratio of female voters in Balochistan stood at 42.58 per cent against 57.42 per cent male voters.” (HRCP, March 2016, women, p. 7)

The US Department of State (USDOS) points out that “[w]hile no laws prevent women from voting, cultural and traditional barriers in tribal and rural areas impeded some women from voting” (USDOS, 13 April 2016, section 3). The above-cited ICG report from April 2015 also points out that women faced difficulties to part-take in elections due to threats from militants (ICG, 8 April 2015, p. 13). With regard to the Federal Administered Tribal Areas (FATA), the ICG provides the following information on women’s ability to participate in elections based on interviews conducted with experts, NGO reports and newspaper articles:

“Even the limited political freedoms, such as franchise, are under attack by violent extremists, with women often the prime targets. In the 2008 elections, militants prevented a third of FATA women from voting. In Khyber agency, the radical Sunni Lashkar-e-Islami intimidated local officials, candidates and the electorate, especially women, who were ‘banned’ from voting. In South Waziristan agency, elections were not held due to the deteriorating security environment. When polls did take place in the conflict-hit agency in 2013, the 11.37 per cent turnout was the lowest in the country.

Prior to election day 2013, the NCSW [National Commission on the Status of Women] received complaints that women were being barred from voting in much of FATA. Militants distributed pamphlets in North Waziristan agency warning tribesmen against allowing women relatives to vote; in the agency capital, Miramshah, clerics made similar announcements on mosques’ loudspeakers. In the run-up to the first party-based polls in the region, the eleven-member Political Parties Joint Committee on FATA Reforms, including the PPP, ANP and PTI, recommended reserved National Assembly seats for FATA women and called on the ECP (Election Commission of Pakistan) to ensure that polling stations for women were set up in all FATA agencies and Frontier Regions. When, braving insurgent threats, women tried to vote in large numbers in Khyber agency, however, there were insufficient booths.” (ICG, 8 April 2015, pp. 13-14)

The same report also discusses women participation in election in Khyber Pakhtunkhwa (KPK):

“In a number of polling stations, including in Upper and Lower Dir, Buner, Mardan, Dera Ismail Khan, Nowshera, Batagram and Malakand districts, men from almost all parties agreed to bar women, including party supporters, from voting. Male provincial assembly candidates in Upper Dir agreed a signatory would be fined ten million rupees (some \$100,000) to be paid to the jirga (council of elders) in case of non-compliance. Only one woman voted there and none in six polling stations in Lower Dir, where in that district’s Ouch union council, candidate Begum was the sole woman voter. A poll monitor said, ‘we alerted the ECP [Election Commission of Pakistan] about women being barred from voting. Its provincial office wrote back saying it had conducted an inquiry in Lower Dir and found no evidence’. After proof of similar agreements surfaced during by-elections, the Peshawar High Court

demanded that the ECP withhold results where women's vote was negligible and recommended amendments to the Representation of the People Act 1976 to include punitive action against those responsible. The Supreme Court overturned this ruling, allowing the ECP to validate results. [...]

KPK women have braved threats to vote and stand for office, including Najma Hanif Jadoon, a human rights activist and ANP candidate for a reserved provincial assembly seat who was shot dead in Peshawar in August 2013. Ahead of that month's by-elections in Hangu district, the Pakistani Taliban distributed pamphlets warning women they would be kidnapped and killed if they voted or otherwise participated in the 'current democratic system [that] clashes with Sharia'. But 44 per cent of eligible women did vote, underscoring commitment to democracy in a region where the state has yet to provide security or justice." (ICG, 8 April 2015, pp. 15-16)

The USDOS reports on the by-election in Dir in Khyber Pakhtunkhwa as follows:

"NGOs accused local leaders in Dir in KP Province of not allowing women to vote in a by-election for a new member of the National Assembly following the disqualification of the original member due to a fake educational degree. The by-election was declared null and void, and women voted in the subsequent repolling." (USDOS, 13 April 2016, section 3)

Human Rights Watch (HRW) also reports on the elections in Dir, Khyber Pakhtunkhwa, in its annual report, providing the following details:

"Women were denied the right of vote in various parts of the country. In May, during a parliamentary by-election in Lower Dir, Khyber Pakhtunkhwa, none of the eligible 50,000 women in the constituency voted after warnings reportedly broadcast on mosque loudspeakers. Polling stations were guarded by 'baton-wielding men,' according to news reports, who blocked the few women who attempted to vote." (HRW, 27 January 2016)

In its report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) reports however that women have been elected as speakers of the provincial assemblies of Balochistan and Khyber Pakhtunkhwa (KP):

"For the first time in the country's history, Balochistan and KP assemblies elected women as their speakers. In December, Raheela Hameed Khan Durrani was elected unopposed as the first woman speaker of the Balochistan Assembly and Dr Meher Taj Roghani was elected as the first woman deputy speaker of the KP Assembly." (HRCP, March 2016, women, p. 7)

The April 2015 ICG report points out, however, that "[m]ost mainstream parties make little effort to advance political empowerment, particularly through the ballot box" (ICG, 8 April 2015, p. 14). ICG gives the following summary of women contesters in Khyber Pakhtunkhwa:

“In 2013, the number of women candidates to the KPK provincial assembly increased from eleven in 2008 to twenty-six. Yet, sixteen stood as independents, without party backing or financial and logistical support. Only five of eighteen women candidates for KPK’s National Assembly general seats had party backing. Even a woman such as Nusrat Begum, the first from Lower Dir district to contest a National Assembly seat and the district vice president of the PTI, the party that swept the KPK polls, was an independent candidate. Unsurprisingly, she and Musarrat Shaheen, a well-known Pashtun actress who competed against JUI-F leader Maulana Fazlur Rahman, received less than 200 votes each.” (ICG, 8 April 2015, pp. 14-15)

In its human rights report for the year 2015, the US Department of State (USDOS) gives the following overview of women’s opportunities to participate politically:

“Authorities widely used quotas to assure a minimum female presence in elected bodies. There are 60 seats in the National Assembly reserved for women. Authorities apportioned these seats on the basis of total votes secured by the candidates of each political party that contested the elections. Authorities reserved 129 of the 758 seats in provincial assemblies and one-third of the seats in local councils for women. Women participated actively as political party members, but they were not always successful in securing leadership positions within parties, with the exception of women’s wings. Women served in the federal cabinet, including Anusha Rehman Khan, Minister of State for Information Technology, Telecommunications, and Saira Afzal Tarar, Minister of State for National Health Services, Regulations, and Coordination. [...] Women and minorities may contest unreserved seats.” (USDOS, 13 April 2016, section 3)

ICG notes that “[i]t remains a challenge, however, for women to win elections. Only eight won direct seats in 2013, ten fewer than in the 2008 National Assembly polls” and continues:

“Had there been no reserved seats, female presence in the national legislature would have been minimal. Yet, because women in reserved seats lack a constituency, they often find it difficult to obtain the support of their parties and male colleagues. Some will only introduce a bill co-sponsored by influential men. Nevertheless, women elected to reserved seats have been responsible for initiating some of the most progressive legislation [...]. If the National Assembly and Senate rules of procedure are amended to allocate chairs of some key committees to women, their policy role would be strengthened and parties given incentive to choose strong women candidates.” (ICG, 8 April 2015, p. 11)

#### **10.4 Access to employment**

In its Economic Survey 2015-16, the Pakistani Ministry of Finance underlines that “[t]he government is committed to facilitate the women so that they can play a positive role in the development of the country” and explains that “special initiatives have been taken to ensure the women empowerment” (Ministry of Finance, 2 June 2016, Population, Labour Force and

Employment, p. 203). The Survey describes the following initiatives to facilitate women's access to employment:

“The government has launched the Youth Business Loan Scheme, with 50 percent of loans reserved for female. Women will be trained in vocational skills through the Prime Minister's Youth Skill Development Scheme. The government has allocated Rs. 800 million for this scheme. The Punjab government has announced special budget allocations for the women's empowerment package in the provincial budget. Under the Sindh Government's Landless Haris Project, of the total beneficiaries, 70.6 percent of land titles were given to women farmers. The government has established a 10 percent quota for women's employment in civil service, while the Punjab Government (under the Punjab Fair Representation of Women Act 2014) has mandated that women make up 33 percent of representatives on all boards of statutory organizations, public sector companies, and special committees. Women's Ombudsperson offices have been established at the federal and provincial level to ensure implementation of the protection against harassment.” (Ministry of Finance, 2 June 2016, Population, Labour Force and Employment, pp. 203-204)

In its report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) also writes about the Punjab government's efforts for women's empowerment such as the introduction of employment quotas:

“On the occasion of International Women's Day 2015, the Punjab government said 33 percent representation would be given to women in all decision making boards and committees, as per the Punjab Fair Representation of Women Act 2014 passed on the same day in 2014. One woman member will be mandatory for all recruitment committees in government institutions and 15 per cent quota in government and private jobs will be guaranteed to women.” (HRCP, March 2016, women, p. 4)

The Punjab Fair Representation of Women Act, 2014 was published in the Punjab Gazette on 12 March 2014 and amends certain laws of the province in order to improve the representation of women (The Punjab Fair Representation Of Women Act, 2014)

The Human Rights Commission of Pakistan (HRCP) mentions that in December 2015, “the Sindh chief minister increased women's job quota in the government sector from 5 to 7 per cent. He also announced that the Women Development Department in the province would only be run by women.” HRCP also mentions that “small loans were to be given to women artisans through the Sindh Bank from January 2016.” (HRCP, March 2016, women, p. 5)

In 2015 the World Bank published a report about women's economic opportunities worldwide. The Human Rights Commission of Pakistan (HRCP) summarises the relevant data for Pakistan from the World Bank report, providing the following insights into women's employment in Pakistan:

“A World Bank Report titled Women, Business and the Law 2016 Getting to Equal analysed women's economic opportunities across 30 countries. Released in

September, the report identified 14 laws in Pakistan that limit women's economic opportunities against 22 laws in Afghanistan, five in India, seven in Sri Lanka, nine in Nepal and one in the Maldives. Several factors including lack of equal-wage and anti-discriminatory workplace laws were found to be restricting women's economic freedom in Pakistan. The report highlighted limited employment choices available for women as they are not normally hired in factories or in the mining industry. It observed that many women in Pakistan were denied their inheritance rights and that married women who wished to register a business in Pakistan could not do so without a witness and giving their husband's name, nationality, and address, an unnecessary and restrictive requirement." (HRCP, March 2016, women, p. 3)

The full report of the World Bank Group, which covers 173 economies worldwide, can be accessed via the following link:

- The World Bank Group: Women, Business and the Law 2016: Getting to Equal, 2015 <http://wbl.worldbank.org/~//media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>

Sarwar Farham from the University of Education in Lahore and Abbas Abdus Sattar from the COMSATs Institute of Information Technology in Lahore published an analysis of women's labor force participation in Pakistan in 2013, providing the following data on the issue:

"Pakistan belongs to those few developing nations where labor force participation (LFP) of women is one of the lowest in world and less than world average of 51.2%. [...] By LFP of women it means the percentage of women currently working as ratio of total women capable of employment in the population. [...]"

In spite having low labor force participation rate in statistics, considerable number of women participates in economic activities. Yet their contribution is largely undermined and due to socio-cultural and economic factors, their status is considered less than men. [...] Majority of working women in Pakistan are employed in informal sector, mainly agriculture." (Farham/Sattar, 2013, p. 209)

In its Economic Survey 2015-16, the Pakistani Ministry of Finance notes that women's labour force participation rate for the years 2014-15 was 22.02 per cent (Ministry of Finance, 2 June 2016, Population, Labour Force and Employment, p. 151). According to an article of the Pakistani newspaper The Express Tribune from March 2016, "[i]n some Pakistani provinces the situation is even more dire. Women's participation rates in Balochistan, Khyber-Pakhtunkhwa, and Sindh are 5.40 per cent, 9.76 per cent, and 9.90 per cent, respectively (The Express Tribune, 28 March 2016)

The Status Report on Women's Economic Participation and Empowerment by UN Women Pakistan published in May 2016 provides a summary on data of women in the labour force as well as information on earning and vulnerability in Employment. It can be accessed via the following link:

- UN Women Pakistan: Status Report on Women’s Economic Participation and Empowerment, May 2016  
<http://asiapacific.unwomen.org/en/digital-library/publications/2016/05/status-report-on-womens-economic-participation-and-empowerment#full>

In its human rights report covering the year 2015, the US Department of State (USDOS) reports about harassment of women at work:

“Although the 2010 Criminal Law Amendment Act and the Protection Against Harassment of Women at Workplace Act criminalize sexual harassment in the workplace and public sphere, the problem was widespread. The law requires all provinces to establish provincial-level ombudsmen. Sindh was the first province to do so, in 2012. Punjab Province and administrative district Gilgit-Baltistan also established ombudsmen. Neither Balochistan nor KP had an ombudsman. Press reports indicated harassment was especially high among domestic workers and nurses. A press report indicated that the social media also targeted young female doctors for harassment” (USDOS, 13 April 2016, section 6)

The Pakistani newspaper Dawn also reports about the Protection against Harassment of Women at the Workplace Act, providing the following summary of the law and its implementation:

“One of the most important pro-women laws introduced in the country this century is the ‘Protection against Harassment of Women at the Workplace’ Act. It was signed into law by then president, Asif Ali Zardari on January 30, 2010 despite strong criticism from religious parties during its passage. [...] Introducing this law was important because of the increasing number of women becoming part of the workforce in the country, in rural as well as urban areas. The law clearly defines harassment as ‘any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.’ Where introducing this law may, on the outside, come across as a sign of progress for women and a step towards increasing gender equality in the country, a major issue lies in its implementation. Most companies prefer to adopt their own standard operating procedures when dealing with cases of harassment even though the law clearly states the employer’s responsibilities as: incorporating a clearly defined code of conduct; formation of a ‘competent’ inquiry committee to investigate complaints, and finally, that the code must be displayed at prominent places at work place within six months of introducing the Act. Any failure to comply with the above allows an employee of any organisation to file a petition before the district court and, on having been found guilty, the employer will be liable to a fine that may be up to Rs 100,000 and not be less than Rs 5,000.

One loophole in this law is that, stepping out of the corporate workplace, how do domestic workers report being sexually harassed by their employers? They often work alone, without any kind of formal documentation or agency looking out for their welfare. There is no legal requirement of registering your domestic worker on a municipal, provincial or national level. They might constitute a major portion of the workforce where women are dominant, but legally, most of them don't exist." (Dawn, 31 May 2015)

The Protection against Harassment of Women at the Workplace Act, 2010, can be accessed via the following link:

- Protection against Harassment of Women at the Workplace Act, 2010 [An Act to make provisions for the protection against harassment of women at the workplace] (published at the Gazette of Pakistan on 11 March 2010)  
[http://www.na.gov.pk/uploads/documents/1300929288\\_550.pdf](http://www.na.gov.pk/uploads/documents/1300929288_550.pdf)

## 10.5 Other forms of discrimination

The US Department of State (USDOS) human rights report covering the year 2015 provides the following summary of cases in which women face discrimination in Pakistan:

"Women faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but authorities did not enforce it. Women faced discrimination in family law, property law, and the judicial system. Family law formulates protection for women in cases of divorce, including requirements for maintenance, and sets clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them. Women are legally free to marry without family consent, but society frequently ostracized women who did so, or they risked becoming victims of honor crimes." (USDOS, 13 April 2016, section 6)

The same report further notes that "[t]he 2011 Prevention of Anti-Women Practices Act makes it illegal to deny women inheritance of property by deceitful means" but that "[w]omen often received far less than their legal entitlement." (USDOS, 13 April 2016, section 6). The Prevention of Anti-Women Practices Act, officially called the Criminal Law (Third Amendment) Act, 2011, amends article 498 A of the Pakistan Penal Code and states the following on the inheritance rights of women:

"498 A - Prohibition of depriving woman from Inheriting property - Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both." (Criminal Law (Third Amendment) Act, 2011, Article 498 A)

The Islamabad based non-profit NGO Aurat Foundation and Trócaire, a catholic Irish charity, working in partnership with local organisations, provide the following information on the

implementation of the law and the above-cited Article 498 A and the discrimination of women in reference to inheritance rights:

“The tight control on women’s bodies and their sexuality, besides dictating whom she can or cannot marry, also lead to pandemic proportions of domestic and sexual violence, including rape, forced abortion, denial of contraception, maternal morbidity and mortality. In addition to this, women across Pakistan are often forced to renounce their share in family inheritance due to social sanctions against such claims. Moreover, women are married forcibly, kept from marriage or subjected to severe physical and emotional abuse as strategies to prevent them from laying any rightful claims to the family estate.

Substantively, the Anti-Women Practices Act [AWPA] is a weak law for many reasons. Prominent amongst these is the lack of clarity over many terms contained in the text. For instance, the law does not define what is meant by ‘deceitful’ or ‘illegal’ in Section 498-A, when it comes to explaining the context in which certain actions [involving inheritance deprivation] would become a matter of deceit or crime. It does not explain when active persuasion and emotional blackmail may enter the ambit of deceit or become ‘illegal’. Further, it does not apply to situations where women are expected to simply handover their share of property in favor of their male kin, and refusal is not an option socially. There may be no deceit involved here and in the event that there is no violence of any sort, no laws would have been broken either.” (Aurat Foundation/Trocaire, October 2014, p. xxiii)

For further information on forced marriage please see [section 6.11.2](#) (early and forced marriages) of the compilation.

The US Department of State (USDOS) human rights report for the year 2015 notes that “[i]n rural Sindh landowning families continued the practice of ‘marriage to the Koran,’ forcing a female family member to stay unmarried to avoid division of property” (USDOS, 13 April 2016, section 6). It further provides the following information on the practice:

“Property of women married to the Koran remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. Families expected these women to stay in the home and not contact anyone outside their families.” (USDOS, 13 April 2016, section 6)

The above referenced Prevention of Anti-Women Practices Act, 2011 also amends Article 498 C of the Pakistan Penal Code, dealing with the practice of ‘marriage with the Holy Quran’:

“498C - Prohibition or marriage with the Holy Quran - Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of either description which may extend to seven years which shall not be less than three years shall be liable to fine of five hundred thousand rupees.” (Criminal Law (Third Amendment) Act, 2011, Article 498 C)

In its research study of forced marriages and inheritance deprivation, the Aurat Foundation and Trócaire note that “[i]nformation related to marriages to the Quran is notoriously hard to find, almost as notorious as the practice itself (Aurat Foundation/Trocaire, October 2014, p. 97). They do however provide examples of two cases of this practice based on information gained through interviews with third parties explaining that “[d]ue to the taboo attached to the practice and the secrecy that surrounds it, it was difficult to meet the women directly”. Through focal persons in Shikarpur and Jamshoro who talked to the women (Aurat Foundation/Trocaire, October 2014, pp. 95-96), the following information was published in the report:

“In this case, two of the three women married to the Quran are sisters and live together at their nephews house in Jamshoro, Sindh. After their father’s death when they quite small, the older brother took it upon himself to support them and became their legal guardian. When they were close to 18-20 years of age and their brother could not arrange dower for their marriage into a suitable family, he announced that they will be married to the Holy Quran instead. There were no objections raised from anywhere. The women are now living in virtual slavery, looking after their nephew’s family and doing the entire house work. Women come to them for taveez, istikhara, dua, wazifa, etc. and prayers, and often give money, clothes, etc., in return. They are presently 50 and 48 years old. [...]

The second case is from Jamshoro as well. Here, a 40-year old woman was married to the Quran by her father when she was around 21 years old. According to the details provided by the woman, the father could not find a husband for her who was equal in family status [or shared the required family name]. In a bid to protect his estate, he decided it would be better not to marry her at all, so she can serve people with her knowledge of the Quran. She has two brothers, both of whom are married with children. This woman is scoring fairly well economically as many people flock from afar to get taveez, etc., over which she is considered a local authority. From what has been reported in addition to the details of the cases provided above is that the family of one of these women was affluent and part of the landed elite. They also had a strong family name [more religious sect]. The two sisters, however, did not hail from a very rich family but they also had a prominent family name.

The brother’s or father’s refusal to marry the women in both cases and the families’ silence and absence of help of any sort, points to a cultural immunity for those demanding marriage to the Quran, at least in the area wherein these cases have emerged. According to the focal person, many women are married to the Holy Quran in Southern parts of Sindh and it is an accepted custom. The focal person also reported that such marriages are prevalent in both affluent and middle class families, where the family name of religious sect is a prime motivation behind the practice, e.g., a Syed can only marry amongst Syeds. They are also largely feudal societies where landlords yield power and everything else is subordinate to their will. [...]

During the course of the study, in provinces other than Sindh as well, respondents reported that the practice has finished in Pakistan as one does not hear of any [new] case. It is noteworthy that the informant who provided us with the details of the cases discussed above is neighbor to the two sisters [Case 1] and knows of many families in his own neighborhood that practice such customs till this day. As the custom is not publicized and women are married off almost unceremoniously, it becomes difficult to find women who would be willing to talk. Additionally, as marriage to the Quran is believed to elevate the spiritual status of a woman so married [men are not married to the Quran], women are not inclined to comment on the matter to others who may probe.” (Aurat Foundation/Trocaire, October 2014, pp. 96-97)

## 11 Treatment of children

### 11.1 Birth registration

According to a report submitted by the government of Pakistan to the UN Human Rights Committee “children born in Pakistan, without discrimination, are entitled to registration with NADRA”. NADRA, the National Database and Registration Authority “is mandated to issue Birth Registration Certificates including documentation of the name of the child and that of his/her parents” (Government of Pakistan, 24 November 2015, p. 41). In its June 2015 civil society mid-term assessment report for Pakistan’s Universal Periodic Review, the Human Rights Commission of Pakistan (HRCP) states, however, that a lack of legislation in the area of birth registration persists and provides the following information on challenges in this regard:

“A major hurdle to ensuring implementation of anti-child marriage laws is the failure of the government to introduce laws and regulations to make birth registration and marriage registration mandatory. The CRC [Convention of the Right of the Child] and the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified in 2010, make free and mandatory birth registration a fundamental obligation upon the state. The current registration process requires substantial direct and indirect costs as the child first has to be registered at the Union Council and then the data has to be entered in the national database in order to obtain the child registration certificate from the National Database and Registration Authority (NADRA). Under the Punjab government’s Women Empowerment Initiative of 2014, the birth registration fees at the Union Council level have been waived. However, there is a lack of awareness of the policy measure amongst the administrative officials.” (HRCP, June 2015, p. 24)

In its human rights report covering the year 2015, the US Department of State (USDOS) reports the following on birth registration in Pakistan:

“Reporting of births is voluntary, and records are not kept uniformly, particularly in rural areas. While the government reported that it registered more than 75 percent of the population, observers believed actual figures were lower. Public services, such as education and health care, were available to children without a birth certificate.” (USDOS, 13 April 2016, section 6)

According to a UNICEF report from December 2013 covering international birth registration, Pakistan has the third largest number of unregistered children worldwide (after India and Nigeria) and is among the ten countries with the lowest levels of birth registration worldwide as well as being the country with the lowest birth registration level in South Asia (UNICEF, December 2013, pp. 16-17). A UNICEF progress report about Pakistan from July 2015 points out that “no large-scale comprehensive study on birth registration has been undertaken to date in Pakistan” (UNICEF, July 2015, p. 5). The progress report does, however, provide the following numbers on birth registration based on the ‘Pakistan Demographic & Health Survey 2012-13’ as well as UNICEF’s own data:

“Today, only 34 percent of children under the age of 5 in Pakistan are registered. This means that more than 10 million under-5 children are still not registered. This

number increases by about 3 million unregistered births every year. A birth certificate can safeguard a child's right to education, health, justice and protection from violence, early marriage and child labour." (UNICEF, July 2015, p. 7)

The same UNICEF progress report further explains that the data of the 'Pakistan Demographic & Health Survey 2012-13' (see NIPS/ICF International, December 2013) showed: "Clear disparity between lowest and highest wealth quintiles. Little differentiation between male and female registration rates. Large disparity between urban and rural. 66 per cent difference between highest performing province (Islamabad) and lowest performing province (Balochistan)." (UNICEF, July 2015, p. 12).

The UNICEF progress report further provides the following information on the difficulties of registering a birth:

"Registering a birth in Pakistan can be a cumbersome and involved process – especially for those families whose child is born at home. Presently, more than 50 percent of deliveries in the country take place within the home. In Balochistan, where the proportion of deliveries taking place at home is 83 percent, less than 8 percent of births are registered. Despite the existence of over 6000 administrative offices in the country mandated to process the registration of certain vital life events, challenges continue to be posed within the civil registration and national ID card systems, further exacerbated by the fact that Pakistan currently hosts over three million refugees. However, it is anticipated that the application of digital technology to established paper-based birth registration processes can address low birth registration rates in a cost-effective manner." (UNICEF, July 2015, p. 13)

In its June 2016 concluding observations on the fifth periodic report of Pakistan, the Committee on the Rights of the Child (CRC) writes the following on birth registration:

"The Committee welcomes the 6 units and an optional chip-based card system established by the State party to encourage birth registration in all provinces, but it is nevertheless concerned that only about 30 percent of children have been registered at birth with the lowest rates being in Balochistan and FATA. The Committee is particularly concerned about the low awareness, complicated procedures and high fees for birth registration as well as the lack of effective measures to ensure the birth registration of children belonging to marginalized and disadvantaged groups, including children born out of wedlock and refugee and internally displaced children." (CRC, 3 June 2016, p. 6)

In its report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) describes challenges of birth registration and initiatives to deal with them as follows:

"A major reason attributed to low registration is lack of registration facilities and complicated documentation procedures. To simplify the procedures and increase accessibility of parents, in July, the provincial governments of Sindh and Punjab in collaboration with UNICEF and a mobile company were ready to launch a pilot registration project for which an agreement was signed in 2014. Under this project,

parents will be able to register their children's birth with their mobile phones. The pilot project was scheduled to start in Punjab by end of July in Pakpattan district and in Sindh by early August in Thatta district. Unfortunately, no information was available on the implementation of this project by the end of the year." (HRCP, March 2016, children, p. 18)

In May 2016, UNICEF provides the following information on the project to register children via their mobile phones and the reasons for introducing this service:

"In rural communities in Pakistan, an innovative pilot project is using mobile phones to empower Lady Health Workers to register newborn children. [...] In the past, the birth registration process was notoriously cumbersome and time-consuming, so many parents opted to leave their children unregistered. Some parents were also unaware of the benefits of birth registration. However this year, an innovative pilot project for birth registration through mobile phones, initiated by UNICEF in collaboration with local and provincial authorities, has made the entire process easy and efficient. The initiative in Thatta District is part of larger effort to strengthen Pakistan's birth registration system. To this end, UNICEF has been working with the Departments of Local Government and Health, the National Data Base Registration Authority (NADRA) and the mobile telecom network operator Telenor to register every child in the province of Sindh. [...] 'There is a nominal fee for issuance of the birth certificate but it is invaluable for the child for the rest of his life. From school enrolment to issuance of an NIC [National Identity Card] card, to obtaining a passport or finding employment, it serves as his official identity every step of the way,' says Sadiq. So far, UNICEF's mobile phone birth registration initiative has borne great results in Union Council Dhabeji. In 2015, 95 per cent of newborn children were registered within the first six months of their birth, compared to approximately 5 per cent in 2014. 'Timely birth registration is a 'passport for protection' for a child,' says Jabeen Fatima Abbas, UNICEF Child Protection Specialist. 'Digitalization of the birth registration process and collaboration with various government departments, as well as with the private sector, is the way forward to achieve universal birth registration for all children in Pakistan.'" (UNICEF, 2 May 2016)

The Human Rights Commission of Pakistan (HRCP) also outlines that Afghan refugee children born in Pakistan remain unregistered:

"Thousands of Afghan refugee children born in Pakistan also remained unregistered. It is estimated that nearly 50,000 children are born to the refugee families each year in Pakistan. UNHCR estimated that by May, out of the total Afghan child refugee population 34,583 children (19 per cent) were registered and 26,343 children (12 per cent) had applied for their first PoR [Proof of Registration] cards." (HRCP, March 2016, children, pp. 17-18)

## 11.2 Access to education

In Article 25A of the Constitution of Pakistan education is listed as a fundamental right:

“25 A - Right to education: The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 25A)

In a state report submitted to the Committee on Economic, Social and Cultural Rights in October 2015 and published by the Committee in February 2016, the government of Pakistan summarises the constitutional provisions regarding the right to education as follows:

“The passage of 18th Amendment in the Constitution of Islamic Republic of Pakistan has made it legally binding on the Government under Article 25-A of the Constitution to provide free and compulsory education to children as a matter of their fundamental right. [...] To further ensure the right to basic education, Article 37 enshrines the hallmark association of education with the promotion of social justice. According to the said article, the State shall i) promote, with special care, the educational and economic interests of backward classes or areas; ii) remove illiteracy and provide free and compulsory secondary education within minimum possible period; and iii) make technical and professional education generally available and higher education equally accessible to all on the basis of merit.” (Government of Pakistan, 4 February 2016, pp. 48-49)

The International Crisis Group (ICG) notes in June 2014 that since the eighteenth constitutional amendment adopted in April 2010, education policy has become to a large part the responsibility of the provinces:

“Previously the federal government devised education policy and planning, while provincial authorities were tasked with implementing policy and administering the education sector. Since the amendment, provincial governments are free to devise education policy, planning and curriculum. The federal government’s education remit is now limited to federally administered territories, such as the capital, Islamabad, and the Federally Administered Tribal Areas (FATA), and to higher education. [...] The responses of provincial governments to their new responsibilities have oscillated between tangible efforts and political rhetoric.” (ICG, 23 June 2014)

In a shadow report to the UN Committee on the Rights of the Child (CRC) submitted in April 2016, the Pakistan Coalition for Education and several other national and international civil society organisations provide the following overview of provincial legislation in regard to education policy:

“The Right to Free and Compulsory Education Act 2012 confirms the Constitutional right to free and compulsory education to all children of aged five to sixteen years and articulates how it shall be delivered. Besides, at the state level, the Islamabad Capital Territory (ICT) and Sindh province have passed legislation for the implementation of Article 25A [of the Constitution of Pakistan]. In 2014, both the provinces of Balochistan and Punjab Province respectively passed the Balochistan Compulsory Education Act and the Punjab Free and Compulsory Education Act

2014. In Khyber Pakhtunkhwa the Khyber Pakhtunkhwa Right of Children to Free and Compulsory Education Bill 2014 is yet to be passed.” (Pakistan Coalition of Education et al., April 2016, p. 7)

In June 2016, the Committee on the Rights of the Child (CRC) also refers to provincial legislation in its concluding observations on the fifth periodic report of Pakistan, further voicing the following concerns:

“The Committee welcomes the MDG Acceleration Programme of 2013 which is aimed at targeting out of school children and school infrastructure. However, it is concerned about:

(a) Lack of a compulsory education law in KP and Gilgit-Baltistan, and poor enforcement of the education laws in provinces where they exist;

(b) The large number of children (47.3% of all children aged 5 to 16 years) who are out of school, of which the majority never attended any school;

(c) The high drop-out rate of girls, which reportedly is as high as 50% in Balochistan and KP and 77% in FATA;

(d) Persisting large gender, regional and urban-rural disparities in enrolment of children in schools;

(e) Poor school infrastructure that is damaged by natural disasters or armed groups and lack of basic facilities such as drinking water, toilets, electricity and walls;

(f) Poor quality of education due to shortage of qualified teachers and teacher absenteeism, among others, as well as content of curricula and teaching methods promoting gender and religious discrimination;

(g) Large numbers of attacks on schools, especially secular and girls’ schools, in the reporting period, including targeted killing of teachers as well as the use of school buildings by armed groups

(h) Privatisation of education with a lack of measures to ensure the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers; and

(i) Limited and inadequate pre-school education.” (CRC, 3 June 2016, pp. 14-15)

In its Transformation Index for 2016, the Bertelsmann Stiftung, a German non-profit think tank based in Gütersloh, provides the following information regarding the Pakistani education system and access to education:

“Pakistan’s education system is highly fragmented. It is divided into English and Urdu mediums. There is also a flourishing of Madrasa education system. Most children from the middle and lower-middle class opt for Urdu medium schools, which are run by the government. The elite send their children to English medium

schools, which are costly and out of reach for the majority of the population. In 2014, Pakistan's literacy rate was 55%, with a literacy rate of 68% for men and 40% for women. [...] According to a UNESCO report published in February 2014, Pakistan has 5.5 million children that are out of schools; the second highest number in the world only after Nigeria. Moreover, according to the latest study conducted by Alif Ailaan, an advocacy organization, 25 million children of school age are out of school in the entire country. Inter-provincial disparities in education exist in Pakistan and are exacerbated by poverty and gender. In its report, UNESCO declared Pakistan the only non-African country on the list with a shortage of teachers." (Bertelsmann Stiftung, 2016, pp. 20-21)

In its report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) provides the following summary of recent studies about education in Pakistan, also referring to the above-mentioned study from Alif Ailaan:

"A series of statistical and analytical reports were released in 2015 to capture the state of education in the country. The findings of all these reports were mostly similar, showing a little advancement in education. The fourth Pakistan Education Atlas was launched in September 2015 by the Academy of Educational Planning and Management (AEPAM) in collaboration with World Food Programme (WFP). The report showed a four per cent increase in the enrolment rate in Pakistan with the female enrolment increasing by more than 2.5 per cent since 2014 and male enrolment by 1.7 per cent. The percentage of children who advanced from primary to middle and from middle to secondary level of education was 84 per cent, an increase of 6 per cent since 2013. The report also showed that 28 per cent of the children aged between 5-9 years in the country were not enrolled in schools, the survival rate of students between Grade 1 to 5 is 62 per cent and the average student-teacher ratio in the country is 37:1. It was reported that 39 per cent of the government primary schools had no drinking water facility, 35 per cent were without toilets, 46 per cent were deprived of electricity and 34 per cent devoid of boundary walls. [...]

The third edition of Alif Ailaan Pakistan District Education Rankings 2015 report, prepared in association with Sustainable Development Policy Institute (SDPI), was released in May. [...] In terms of overall education ranking, Islamabad was ranked highest third time in a row followed by Punjab and Gilgit-Baltistan, Khyber Pakhtunkhwa and Sindh. Balochistan and the Federally Administered Tribal Areas (FATA) landed at bottom of the rankings. In terms of education infrastructure, the national score ranked at 62.22 compared to 57.68 last year. Islamabad, KP, and Sindh level of school infrastructure was higher than the national average whereas in Balochistan and FATA less than 50 per cent schools had functional toilets or water. [...]

According to ADB's [Asian Development Bank] publication, Key Indicators for Asia and the Pacific 2015, at least one in five children of primary school age are out of school in Pakistan, but the net enrollment ratio has increased by 16 per cent in

recent years. The report observed that the gender divide in net enrollment rate had narrowed since 2002, which was 9.9 per cent higher for boys now as compared to 21.1 per cent in 2002. Among the 63 countries reviewed in the report, Pakistan was one of the five economies with lowest ratio of completion of last grade of primary schools recorded at 62.2 per cent.” (HRCP, March 2016, children, pp. 5-7)

The 2016 report of Alif Ailaan and the Sustainable Development Policy Institute (SDPI) writes that “similar patterns have continued from past district rankings” (Alif Ailaan/SDPI, 2016, p. 23). Its education score “shows the educational achievement and participation across the entire population of the relevant cohort of children”, therefore providing an “index of educational outcome indicators covering access, learning, retention, and gender parity” (Alif Ailaan/SDPI, 2016, p. 2). Covering all provinces and territories in Pakistan, Islamabad also has the highest education score in 2016, again followed by Azad Jammu and Kashmir, Punjab, Gilgit-Baltistan, Khyber Pakhtunkhwa and Sindh respectively. The Federally Administered Tribal Areas and Balochistan are again at the bottom of the list (Alif Ailaan/SDPI, 2016, p. 15). The study further notes the following on access to primary and secondary education in 2016:

“To cater to the schooling needs of all the children between the ages of 5-16 years, as determined by the Constitution of Pakistan, schooling facilities need to be made available at all levels including primary, middle and higher levels. [...] At a national level, 81 percent of the total schools are at primary level whereas the remaining 19 percent are at the middle, high or higher secondary level. What does this mean? Essentially, that the Pakistani state has chosen to provide only one in five children the opportunity to continue school beyond primary school.” (Alif Ailaan/SDPI, 2016, p. 52)

Looking at the number of enrolled students countrywide, the Human Rights Commission of Pakistan (HRCP) does, however, also take a note of so-called ‘ghost schools’:

“The issue of ghost school and students also persisted in 2015. Under a World Bank-funded ‘Real Time School Monitoring System’, 900 ghost schools were discovered in Balochistan along with 234,000 ghost students enrolled by officers of education department and teachers to show greater strength and become eligible for increased monetary benefits. World Bank’s findings were confirmed by the government by sending inspectors to all schools registered in Balochistan.” (HRCP, March 2016, children, p. 8)

Summarising the challenges regarding access to education, the US Department of Labor (USDOL) provides the following assessment:

“While education is free and compulsory through age 16, access to education is still limited. High rates of teacher absenteeism, inadequate facilities, and corporal punishment may deter children from attending school. In conflict zones, military operations often disrupt school attendance and damage infrastructure. Armed groups and extremist groups regularly attack schools, disrupting children’s access to education.” (USDOL, 30 September 2015, p. 2)

The Pak Institute for Peace Studies (PIPS) provides the following summary of terrorist attacks against education facilities:

“A total of fourteen (14) terrorist attacks were carried out against educational institutions across the country in 2015, a decline of 65 percent than previous year. Most of the educational institutes were targeted in FATA (8), followed by Sindh (4) and KP (2). In FATA, Bajaur, Mohmand, Orakzai, Kurram and Khyber agencies saw such attacks; in KP, Peshawar and Swabi saw such attacks; in Sindh, all the four attacks were concentrated in the port city of Karachi. In FATA’s Orakzai Agency, militant planted explosive material in an under-construction college for boys in Mankhel Darra, damaging at least six of its rooms. Whereas, in Bajaur’s Nawagai tehsil, militants entered school building and planted explosive materials at a number of locations, razing the building into ground. In Kurram Agency, armed militants set on fire a primary school in Serka area. Afterwards, the militants kidnapped ten (10) labourers from the school. In Karachi’s Gulshan-e-Iqbal area, militants exploded crackers outside a private school and left behind pamphlets warning of attacks. In another incident, militants exploded outer boundary wall of a girls-only government school at Gul Mohammad Kalmati Goth near Murtaza Chowrangi. Whereas in North Nazimabad area, militants hurled hand grenade at Beacon House school, damaging its main gate.” (PIPS, 5 January 2016, p. 37)

Looking at girls schooling in Pakistan, the US Department of State (USDOS) provides the following information with regard to access to education:

“The most significant barrier to girls’ education was the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far for a girl to travel unaccompanied. Despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide separate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and post-secondary schools were lower than for boys. Additionally, certain tribal and cultural beliefs often prevented girls from attending schools.” (USDOS, 13 April 2016, section 6)

Children with disabilities reportedly also faced severe challenges to access education. The USDOS provides the following summary in this regard:

“According to the Leonard Cheshire Foundation, most children with disabilities did not attend school. At the primary level, 50 percent of girls and 28 percent of boys with disabilities were out of school. At the higher education level, Allama Iqbal Open University, the University of the Punjab, and Karachi University had programs to train students as educators for individuals with disabilities.” (USDOS, 13 April 2016, section 6)

The USDOS also points out that costs associated with the education of children can be a barrier to access of education, stating that “[g]overnment schools often charged parents for books,

uniforms, and other materials. Parents of lower economic means sometimes chose to send children to madrassahs, where they received free room and board, or to NGO-operated schools” (USDOS, 13 April 2016, section 6).

According to the USDOS, Afghan refugees had the following options to access education in Pakistan:

“There were a number of Afghan private schools, including those funded through foreign assistance, but Afghan children usually could attend the country’s primary schools. For older students, particularly females in refugee villages, access to education remained difficult. Afghans who grew up in Pakistan needed student visas to attend universities, but they qualified for student visas on the basis of their PoR [Proof of Registration] cards. Afghan students were eligible to seek admission to Pakistani public and private colleges and universities, and the government issued 7,000 scholarships to Afghan students in public colleges and universities.” (USDOS, 13 April 2016, section 2d)

### 11.3 Infanticide

In its concluding observations on the fifth periodic report of Pakistan from June 2016, the Committee on the Rights of the Child (CRC) “expresses serious concern about the reports of an increasing number of infanticides carried out on girls, and that such crimes are rarely prosecuted” (CRC, 3 June 2016, p. 5). The US Department of State (USDOS) writes the following about infanticide in its human rights report covering the year 2015, referring to available numbers from the year 2013:

“According to the Edhi Foundation, its staff recovered more than 1,300 dead infants in 2013. By law anyone found to have abandoned an infant may be jailed for seven years, while anyone guilty of secretly burying a child may be imprisoned for two years. Murder is punishable by life imprisonment, but authorities rarely prosecuted the crime of infanticide.” (USDOS, 13 April 2016, section 6)

The freelance journalist Saima Hassan visited the above-referenced Edhi Foundation and, in May 2016, published an article about the reasons for infanticide and abandonment of babies in Pakistan in the *Foreign Affairs* magazine, an American journal for international relations and foreign policy:

“Forty-eight years ago, when her husband, philanthropist Abdul Sattar Edhi, placed a couple of cradles, or *jhulas*, as they are known in Urdu, around Karachi, he did so because a huge number of infants were being killed: thrown in dumpsters, left in dark alleys, eaten by rats and dogs. Today, there are 335 cradles spread out all around Pakistan, and through them, the Edhi Foundation receives at least 15 abandoned babies per month. Nearly all of them are girls. In 2014 alone, 212 babies were dropped off in their cradles and 195 were girls. Anwar Kazmi, the foundation’s spokesperson and one of its longest-serving employees, said that infant girls are disproportionately targeted because many in society see the girls as a burden. [...] Faisal Edhi, Abdul Sattar and Bilquis’ son, explained to me that there were also economic reasons behind abandonment. ‘When a household already has seven,

eight, nine, ten children,' he said, they are simply unable to afford another one. [...] Babies born with disabilities or birth defects are also left in Edhi's cradles. Some of the infants are blind or exhibit physical deformities, which can be caused by polio or malnutrition. Raising a handicapped child can certainly pose a financial hardship, but sadly, some regard deformed children as bad luck or cursed. Children born out of wedlock are also abandoned. Since sharia laws govern the country, under the Hudood Ordinances, sex outside of marriage is punishable by whipping, amputation, fines, imprisonment, or even death." (Foreign Affairs, 29 May 2016)

In April 2014, the German international broadcaster Deutsche Welle (DW) published an article about infanticide in relation to strict laws in regard to extramarital relationships:

"In Pakistan, abortion is illegal, and so is adultery - creating a situation where hundreds of children born out of wedlock are secretly killed each year. Their bodies are, literally, thrown out with the garbage. [...] There is probably no bigger taboo than having a child out of wedlock. According to Islamic laws, it is a punishable crime and the people committing fornication could be sentenced to death. At times, the relatives of the couple take the law in their hands and kill the adulterers. Most of the times, only the mother and the child are murdered. However, despite social taboos and harsh laws, many Pakistani men and women continue to engage in extramarital relationships and have sex before marriage. [...] According to the Edhi Foundation, a Pakistani welfare organization, more than 1,100 newborns were murdered and dumped in garbage bins last year. The organization says it collected the figures only from the country's big cities, and the number could be much higher nationwide." (DW, 22 April 2014)

In January 2014, Al Jazeera published the following article on infanticide in Pakistan:

"In South Asia, killing children is nothing new, and girls are particularly vulnerable. Parents do it to help feed their sons, who are more highly valued in Pakistani society. But the number of children killed has risen steadily over the last five years, welfare organizations in Karachi say. The Edhi Foundation, Pakistan's largest welfare agency, says the number of dead babies its ambulances pick up has increased by almost 20 percent each year since 2010. 'The price of bread is rising, more immigrants are moving into Karachi, and job security is nonexistent in the country,' says an Edhi official, Anwar Kazmi. While the number of corpses the foundation has found nationwide is startling, he adds, it does not begin to convey the full scope of the problem; it does not include babies killed in rural areas, for instance, or those secretly buried by whoever killed them. Other organizations, such as the Chhipa Welfare Association and the Aman Foundation, report similar increases, a trend they say may intensify as the cost of living in Karachi continues to rise. [...] 'If the baby is a boy, an aunt or grandparent may pretend the child is theirs, and the boy could survive,' he explains. 'But in Pakistan, girls are considered bad fortune, and for this reason, many of the children killed are girls.'" (Al Jazeera, 14 January 2014)

A report by the Asian Centre for Human Rights (ACHR) about female infanticide worldwide published in June 2016 states that “Pakistan is probably the region where sex selection is the least documented in Asia” (ACHR, June 2016, p. 16). The report provides a summary of statistics from the year 2011 and 2012, giving the following information about the issue in Pakistan:

“Pakistan has a patriarchal and feudal kinship system where daughters are seen as an economic burden. Only 20 per cent of women are in the labour force which means that most women cannot provide economic support to their aged parents. Another prominent reason is that the practice of dowry is increasing. Sex ratio for higher order births is more imbalanced (in the range of 115-125), and women from the richest families have the highest SRB [Sex ratio at birth]. Abortion rates are quite high i.e. 29 per 1,000 women (as of 2002), especially in the more rural provinces of Khyber Pachtunwalia Province and Balochistan.

According to the Population Research Institute, at least 1,280,228 sex selective abortions had taken place in Pakistan in the years between 2000 and 2014. The yearly average of sex selective abortion is 116,384 or daily average of 318.9. [...]

There is no birth registration data or SRB data in Census and Pakistan’s situation is known only via the sample population surveys conducted in the country. The latest 2007 Population and demographic survey found the SRB at 109.9.” (ACHR, June 2016, pp. 16-17)

An article about fertility methods, which allegedly help to influence the gender of a baby, published in August 2015 in the Pakistani newspaper Dawn also refers to female infanticide:

“In Pakistan there are already instances of female infanticide, illegal abortions, and many families regard their daughters as burden. ‘In the desire to have a son, families keep producing children,’ says Dr Chohan. ‘Most of their children are the outcome of unwanted pregnancies because of no contraceptive control.’ He says through choosing the baby’s sex, it is likely that female infanticide will be reduced. He says: ‘Many people, especially in rural areas, have inheritance issues and want sons in their family. If they keep producing daughters, either the girls are mistreated or killed, or the man marries again. There is a high chance of over population and domestic violence too because of this.’” (Dawn, 16 August 2015)

#### **11.4 Child abductions**

The punishments for kidnapping, abduction, slavery and forced labour are listed under Articles 359–374 of the Pakistan Penal Code; section 364 A refers to the kidnapping or abduction of a person under fourteen and reads as follows:

“364 A - Kidnapping or abducting a person under the age of [fourteen]. Whoever kidnaps or abducts any person under the age of [fourteen] in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with [imprisonment for life] or with rigorous imprisonment for a term

which may extend to fourteen years and shall not be less than seven years.]”  
(Pakistan Penal Code, 1860, amended as of 24 March 2016, Section 364 A)

In its Trafficking in Persons Report 2016, the US Department of State (USDOS) writes that “[c]hildren are bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns, and prostitution” and that “[n]on-state militant groups kidnap children, buy them from destitute parents, or coerce parents with threats or fraudulent promises into giving their children away” (USDOS, 30 June 2016).

In its June 2016 concluding observations on the fifth periodic report of Pakistan, the Committee on the Rights of the Child (CRC) expresses serious concern that “[l]arge numbers of children becoming victims of sexual abuse, exploitation, rape and abduction, including by the Taliban, in particular in the provinces of KP, parts of the Punjab and FATA” (CRC, 3 June 2016, p. 8). The human rights report of the USDOS covering the year 2015 also writes about kidnapping of children by non-state militant groups:

“Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified. The government operated a center in Swat to rehabilitate and educate former child soldiers.” (USDOS, 13 April 2016, section 1g)

The Pakistani organisation Sahil, which works on issues of child abuse and exploitation, provides the following statistics on abduction of children in Pakistan during the years 2014 and 2015:

“Sahil Cruel Numbers Data 2015 reveals that abduction cases have decreased by 24 % from 1831 cases in 2014 to 1386 cases in 2015 averaging the daily abduction of 4 children per day which was recorded as 5 children per day in 2014. [...]

Of the total 1386 reported cases of abduction, 57% were girls and 43% were boys. The number of girls being abducted has decreased by 22% recorded as 1010 cases reported in 2014 to 791 cases in 2015, similarly abduction of boys has decreased by 27% cases recorded as 821 cases in 2014 and 595 cases in 2015 [...]

Abducted children were mostly in the age group of 11 to 15 years. However more girls than boys have been abducted in the respective age brackets this year. Abduction of boys in the age bracket 16-18 years has increased four times more than it was recorded in 2014. Previous data shows more boys than girls were abducted in the age bracket of up to 5, 6-10 and 11-15 years of age in 2014.” (Sahil, 22 March 2016, pp. 30-31)

In terms of geographical spread of abduction cases, the Sahil report provides the following information:

“The data reveals that abduction cases were reported from 85 districts of Pakistan of which, 31 districts were of Punjab, 23 were of Sindh, 12 were of Balochistan, 13

were of Khyber Pakhtunkhwa, 4 were of AJK [Azad Jammu and Kashmir] and one each from FATA and the Federal Capital. According to the data Rawalpindi topped the list with 181 abduction cases followed by 137 cases from Islamabad Capital Territory and 127 cases from Quetta. Whereas in 2014, 324 cases of abduction were reported from Rawalpindi, 148 cases from Quetta and 103 cases were reported from Khairpur District, which were the top 3 districts with most abduction cases reported.” (Sahil, 22 March 2016, pp. 35-36)

The Committee on the Rights of the Child (CRC) states in its concluding observations on the fifth periodic report of Pakistan from June 2016 that it is “seriously concerned about the reports of sexual abuse, harassment, abduction and trafficking of internally displaced children after each emergency and lack of measures to provide them with adequate security” (CRC, 3 June 2016, p. 17).

Looking at forms of abuse after the abduction of children, the Sahil report notes that “[t]he fate of abducted children is usually not investigated, however some reports reveal that abducted children who are not recovered by police are trafficked for commercial sex work, prostitution or for bonded child labor” (Sahil, 22 March 2016, p. 32). According to the report, “[a]bduction with child sexual abuse was recorded as 12% of the total 1386 abduction cases” (Sahil, 22 March 2016, p. 31).

A September 2015 article by the Pakistani newspaper Dawn about the kidnapping of children in Karachi quotes Muhammad Ali, president of Roshni Helpline 1138, a local NGO that operates as a 24/7 child complaint and response centre as saying:

“What the abductors are after are the children themselves; to be used and abused in a number of criminal offenses. Many victims are trafficked, both within the country and internationally, while in some cases, one child can be subject to multiple crimes simultaneously. [...] Most parents and relatives do not report their children having gone missing either, and those that do get trapped in the FIR [First Information Report] registration process. Because missing children is a non-cognisable offence, no police official or provincial authority takes the matter seriously [...]. Once their child is recovered, parents usually want to move on and not pursue the case any further [...]” (Dawn, 20 September 2015)

The same article also contains information from the deputy director-general of the Federal Investigation Agency (FIA) of Pakistan about possible reasons for abductions:

“‘These gangs kidnap children for various purposes,’ explains Hussain Asghar, deputy director-general of the Federal Investigation Agency (FIA). ‘The first is of course pushing them into beggary. Another is to raise them to work in mines and brick kilns. Then there is the matter of small kids being abducted for illegal adoptions — we suspect a couple of NGOs are involved in this. Children are also kidnapped for organ trade. Last and perhaps the gravest, these kids are kidnapped for sexual crimes such as rape and sodomy — of both girls and boys. These kids are abused, their sexual assault is filmed, and sold as child pornography.’ [...] During the

course of investigations for this story as well as conversations with senior police and FIA officials, it emerged that some gangs operating on a local scale are based in four cities: Hyderabad, Jamshoro, Rahim Yar Khan and Quetta. There are likely to be other locations where such gangs exist, but during the course of this story, the mention of these four cities popped up again and again — from both the victims’ end and that of law enforcement.” (Dawn, 20 September 2015)

The Dawn article also talks about challenges to investigate cases due to the involvement of influential actors sabotaging further investigations:

“‘In some cases, you cannot imagine the pressure exerted on the FIA [Federal Investigation Agency] and police to botch the case somehow and release the suspects,’ says FIA’s Tiwana [assistant director for international departures at the Jinnah International Airport]. ‘We raided a house in Defence in search of a missing child. The abductors had managed to move the child before we could catch them, so we brought in a few women present at the scene for questioning. But before we had even returned to the station, we had received calls from multiple influential quarters to let those women go. We ultimately had to release them.’” (Dawn, 20 September 2015)

Regarding international child abductions, the USDOS notes in its human rights report that “[t]he country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction” (USDOS, 13 April 2016, section 6).

Please also see information contained in [section 6.8](#) (trafficking) and [section 11.5](#) (child labour) of this compilation.

## 11.5 Child labour

Article 11 (3) of the Constitution of Pakistan states that “[n]o child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Article 11(3)). In its human rights report covering the year 2015, the US Department of State (USDOS) provides the following overview of the relevant legislation of child labour in Pakistan:

“The constitution expressly prohibits the employment of children below age 14 in any factory, mine, or other hazardous site. The law, however, does not establish a minimum age for employment in nonhazardous occupations. For children over 14, the law limits a child’s workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. The law does not allow children to work overtime or at night, and they should receive one day off per week. Additionally, the law requires employers to keep a register of child workers for labor inspectors to verify. These prohibitions and regulations, however, did not apply to family businesses or government schools. The law prohibits the exploitation of children younger than age 18 and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are legally liable. [...] The

government considered four occupations and 34 processes illegal for children, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, soccer ball production, and carpet weaving. Despite these restrictions there were reports of children working in all these areas.” (USDOS, 13 April 2016, section 7c)

In its 2014 Findings on the Worst Forms of Child Labor report, the US Department of Labor (USDOL) explains that the law does not cover domestic workers:

“Pakistan’s labor laws do not extend to workers in domestic service, a sector in which many children work. Domestic work is also not covered by the list of hazardous occupations or processes prohibited for children. Pakistan’s labor laws do not extend to workplaces with fewer than 10 persons employed and in agricultural work.” (USDOL, 30 September 2015, p. 4)

The Human Rights Commission of Pakistan (HRCP) provides the following overview of legislation to protect children at work, explaining that after the eighteenth amendment of the Constitution, the provinces are responsible for introducing relevant laws in this regard:

“Legal framework in Pakistan severely lacks in protecting children from underage employment or hazardous working conditions. Despite consistent efforts and advocacy by human rights organizations, no legal reform has taken place in this regard in recent years. Provinces have acted very slow to adopt laws on prohibiting of child labour though this issue now falls under their domain after the eighteenth amendment. On May 04, the KP Assembly unanimously passed the Khyber Pakhtunkhwa Prohibition of Employment of Children Bill, 2015. This law provides that no child shall be allowed to work in hazardous labour and only children 12 years or above can engage in light work alongside their family for a maximum of two hours per day mainly for acquiring skills in a private organization or school, assisted or recognized by the government.” (HRCP, March 2016, children, pp. 13-14)

In its concluding observations on the fifth periodic report of Pakistan from June 2016, the Committee on the Rights of the Child (CRC) summarises the provincial legislation as well as its concerns about child labour in Pakistan as follows:

“71. The Committee welcomes the legislative acts in Punjab and KP provinces which prohibit employment of children in certain hazardous occupations. The Committee however remains seriously concerned about:

- (a) The extremely high number of children involved in child labour, including in hazardous and slavery like conditions in domestic servitude and prostitution, among others;
- (b) Reports of abuse and torture of working children, including child domestic workers, which, in some cases, led to the death of children, mainly girls;
- (c) The continuous practice of bonded and forced labour affecting children from poor and vulnerable background, including Dalit children;

- (d) The absence of nationwide or provincial studies on the extent of child labour;
- (e) Insufficient programmes and mechanisms to identify and protect child victims of forced labour, particularly bonded labour as well as child labour in informal sector, including domestic work;
- (f) Low minimum age of admission into hazardous work which is set at 14 years; and
- (g) Inadequate number of inspectors who are also insufficiently trained, prone to corruption and lack resources to inspect workplaces.” (CRC, 3 June 2016, p. 5)

The USDOS also notes that “[c]oordination of child labor problems at the national level remained ineffective” (USDOS, 13 April 2016, section 7c). In its human rights report covering the year 2015, it provides the following overview of law enforcement in regard to child labour:

“As a result of devolution, labor inspection was carried out at the provincial rather than national level, which contributed to uneven application of labor law. Enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible to corruption. Labor inspections became even less frequent after devolution, with no floor for the minimum frequency of inspections. Authorities allowed NGOs to perform inspections without interference, and SPARC [Society for the Protection of the Rights of the Child] noted that officials usually cooperated with its visits. Authorities often did not impose penalties on violators; when they did, the penalties were not a significant deterrent. For example, while authorities obtained hundreds of convictions for violations of child labor laws, the fines were too low to deter future violations. Due to weak government enforcement of child labor laws, child labor remained pervasive. NGOs and government sources noted that the 2010 and 2011 floods were devastating for children and resulted in the destruction of schools and dire financial conditions that compelled families to put children to work. According to the ILO, there were 3.4 million child laborers. In private briefings NGOs estimated the number to be significantly higher with many children working in agriculture and domestic work.” (USDOS, 13 April 2016, section 7c)

It is difficult to establish the number of children currently employed in Pakistan, as the USDOL outlines that “[a] national child labor survey has not been conducted since 1996 and the lack of recent data hampers the Federal and Provincial Governments’ ability to accurately assess the scope and prevalence of child labor” (USDOL, 30 September 2015, p. 2) Since no recent nationwide survey existed during the reporting period of 2015, the HRCP could only provide the following estimates of children working in Pakistan:

“No serious efforts were seen at the legislative or practical front to eradicate child labour in the country or to at least regulate employment of children. A nationwide survey to determine the full extent of child labour in the country remained pending for another year. The only figures available were estimates by national and international organizations. ILO believes 12 million children are employed in Pakistan at the moment, UNICEF estimates the figure at 10 million and the Child Rights Movement maintains 9.86 million child workers exist in the country. The last

national child labor survey was conducted by the government in 1996 almost two decades ago, which estimated 3.3 million working children in the country.” (HRCP, March 2016, children, p. 12)

According to an article in the Pakistani newspaper Dawn, “Pakistan ranks number three in the world with the highest prevalence of child and forced labour” (Dawn, 16 January 2016). In an article from June 2016, Dawn provides similar statistics of children working in Pakistan:

“More than a decade after June 12 was declared ‘World Day Against Child Labour’, over 12.5 million children in Pakistan are involved in child labour, according to a statement issued by the Child Rights Movement (CRM) National Secretariat. The statement cites an ILO report of 2004 which said that 264,000 children in Pakistan were then employed as domestic help. ‘There are 8.52 million home-based workers in the country, according to the figures released in the National Policy on Home-Based Workers, the number of child labourers up to the age of 10 years is around 6 million. This staggering number requires immediate action by the federal and provincial governments,’ the statement says. [...]

Legislation relating to child employment are still not aligned with Article 25-A of the Constitution which gives each child a right to education and the employment of children remains unaddressed, particularly in sectors like agriculture, factories, small car workshops, shops, hotels, cinemas, vending on the streets, the fishing industry, mining, brick kilns, weaving, bracelet making, packing and construction etc.” (Dawn, 13 June 2016b)

Looking at the areas in which children work, the USDOS provides the following summary in its human rights report for the year 2015:

“Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since by law inspectors may not inspect facilities employing fewer than 10 persons. Employers and families forced children to work in brick kilns, and in the glass-bangle, and carpet-weaving industries, as well as in agriculture, as part of fulfilling their families’ debt obligation to landowners or brick kiln owners. UNICEF estimated the number of children working in brick kilns at 250,000. [...] Children also reportedly worked in the production of incense, cotton, wheat textiles, tobacco, sugarcane, gemstones, and stone crushing.” (USDOS, 13 April 2016, section 7c)

The same report outlines that children often found themselves in abusive settings:

“Child abuse was widespread. Employers, who in some cases were relatives, abused young girls and boys working as domestic servants by beating them and forcing them to work long hours. Many such children were trafficking victims.” (USDOS, 13 April 2016, section 6)

The Human Rights Commission of Pakistan (HRCP) also writes about abuse and mistreatment of child workers and provides the following examples:

“Children working in domestic settings were particularly vulnerable to mistreatment and abuse due to inadequate laws. Several incidents were reported during the year of mistreatment of children working as domestic workers. In February 2015, Child Protection and Welfare Bureau rescued a 12-year-old girl from Lahore who had been beaten with a steel hanger for snatching a book from the employer’s child. The police registered a case and arrested the girl’s employer Irfan, a grade- 18 government official, but released him the next day on bail. In June 2015, an 11-year-old girl was severely tortured by her employers for five days on mere suspicion of stealing a gold chain. Domestic Workers (Employment Rights) Act 2013 [Bill] was introduced in January 2014, but no progress was seen on the enactment of the bill in 2015, reflecting the serious lack of political will to protect children from hazardous occupations and exploitation.” (HRCP, March 2016, children, p. 14)

### *11.5.1 Sale of children / debt bondage*

In June 2016, the Committee on the Rights of the Child (CRC) writes in its concluding observations on the fifth periodic report of Pakistan that it “is concerned that children are bought, rented and sold into domestic servitude, bonded labour and sexual exploitation or forced marriages abroad and internally” (CRC, 3 June 2016, p. 5).

The US Department of State (USDOS) explains that “[t]he law makes bonded labor of children punishable by up to five years in prison and 50,000 rupees (\$495) in fines” (USDOS, 13 April 2016, section 7c). The Pakistani child rights organization Society for the Protection of the Rights of the Child (SPARC) provides the following overview of bonded labour in Pakistan:

“Bonded labor has been outlawed in Pakistan and most other affected countries in line with the UN conventions on human rights. Pakistan has national laws that prohibit bonded labor and transnational human trafficking. Following the Constitutional Amendment of 2010, the Federal Government devolved most of its legislative and enforcement powers regarding labor, child protection, and women’s protection to the provincial assemblies. The provinces are yet to make all necessary laws on these issues. Today, Sindh has the highest rate of landlessness in Pakistan. More than 40 percent of the land in Sindh is tenanted out by big landlords. In theory, all bonded laborers should have been freed under the subsequently introduced Bonded Labor System (Abolition) Act of 1992, and those responsible for keeping them in bondage should have been prosecuted. However, such is not the case since the political and financial strength of the landlord’s allow them to continue using bonded laborers with impunity.” (SPARC, 21 April 2016, child labour, p. 147)

The above-described Bonded Labor System Abolition Act, 1992 can be accessed via the following link:

- Bonded Labor System Abolition Act, 1992 [An Act to provide for abolition of bonded labour system] (published in the Gazette of Pakistan, 17 March 1992)  
[http://www.na.gov.pk/uploads/documents/1334287962\\_481.pdf](http://www.na.gov.pk/uploads/documents/1334287962_481.pdf)

In its annual report on the protection of the right of the child published in 2015, SPARC writes the following on provincial legislation in this regard:

“As of 2014, only Punjab has managed to pass an amended law based on the federal BLSAA [Bonded Labor System Abolition Act] 1992. This Amendment has only increased the penalties for employers who are guilty of hiring employees under conditions of debt bondage or slavery. Furthermore, almost 22 years after the passing of the BLSAA, not a single case has been prosecuted to bring perpetrators of bonded labor to justice.” (SPARC, 21 April 2016, child labour, p. 147)

The human rights report of the Human Rights Commission of Pakistan (HRCP) covering the year 2015 provides the following update on provincial legislation:

“Earlier in 2015, KP also passed the Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015. The Sindh government expressed its intentions to strengthen the laws against child labour in the province on occasion of World Child Labor Day 2015. The Sindh chief minister announced that the government was finalizing a bill to address the gaps in the legal framework, particularly regarding forced labour. However, no such bill was introduced in the assembly by the end of the year.” (HRCP, March 2016, children, p. 14)

According to the USDOS human rights report published in 2016, “[i]n 2012 researchers estimated there were approximately two million bonded laborers, many of whom included entire families with children” (USDOS, 13 April 2016, section 7c). The SPARC summarises the relevant sections of the Bonded Labor System Abolition Act in Article 5, stating that “[t]he Act further renders any custom, tradition, contract or agreement made by any member of a family for bonded labor as void and inoperative” (SPARC, 21 April 2016, child labour, p. 147). The US Department of Labor (USDOL) states, however, that “[s]ome children work as bonded laborers in the production in bricks, carpet weaving, and in coal mines, typically as a result of Pakistan’s debt bondage system (peshgis) in which children are forced to work to pay off a family loan” (USDOL, 30 September 2015, p. 2). The USDOS further provides the following information on families selling their children as labourers:

“Poor rural families sometimes sold their children into domestic servitude or other types of work, or they paid agents to arrange for such work, often believing their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended in exploitative conditions or forced labor.” (USDOS, 13 April 2016, section 7c)

The USDOS also notes that “[i]llegal labor agents charged high fees to parents with false promises of decent work for their children and later exploited them by subjecting the children to forced labor in domestic servitude, unskilled labor, small shops, and other sectors” (USDOS, 13 April 2016, section 7b). SPARC describes the sectors in which children and family are forced to work as follows:

“Forced labor in Pakistan, primarily in the form of debt bondage, is found most commonly amongst agriculture workers. In addition, a high incidence of bonded labor is found in brick kilns, domestic service (particularly women and child labor),

carpet weaving and mining. The above mentioned sectors are especially notorious for ensnaring whole families in debt bondage. This means that children are made to work alongside their parents to payoff a debt which is incurred by an elder. Apart from the obviously exploitative terms of transaction and engagement in a bonded labor relationship, forced labor is especially harmful in terms of infringing upon the basic rights of the victim. These include the right to education, health, freedom of association, and freedom of trade, occupation, and profession. Especially for children whose life choices become extremely limited by their engagement in bonded labor. Moreover, these children are made to work in inhuman and unsafe conditions which have a deleterious impact on their physical and emotional development.” (SPARC, 21 April 2016, child labour, p. 145)

An article published by the newspaper Dawn provides insights into how systems of debt bondage in Pakistan may be organised:

“‘We recovered a child from Peerabad,’ narrates SSP [Senior Superintendent of Police] District West Azfar Mehshar [...] The disclosures made by the child informed the police of the gang’s modus operandi. ‘This gang would sell children on monthly contracts — one month, three months, six months — and they were to be used for different purposes. What we discovered was that these were established networks, from Karachi to Quetta, who had a large market to sell to,’ says Mehshar. ‘Any child that was to be their target was scouted beforehand — there were separate teams assigned just for this task. Another team would arrange for their transportation and buy tickets for them. Usually, these kids are transported in groups of 8-10. They are attached with some truck driver, who also rapes them en route. Then there was an imposter police officer to help them; we later discovered this criminal was close to a serving police officer, and would use his car and staff,’ explains the SSP.

‘There is another category of children who are used by such gangs: those who want to earn an honest living, but who aren’t able to. Again, these kids are scouted beforehand, and on the promise of food, shelter and clothing, brought into the fold,’ says the officer.

‘Gangs charge between Rs 30,000 and Rs 50,000 from the parties they sell these children to, and again, their purpose is sexual exploitation. There is a bustling market for the trade of children’s bodies. In Karachi, this market exists in suburban areas, while you’ll also witness a heavy demand for children’s bodies in Balochistan,’ explains Mehshar. [...]

‘But you have to be careful,’ warns FIA’s [Federal Investigation Agency] Asghar. ‘You cannot categorise one or another criminal practice as a trend, because these gangs are very enterprising and their modus operandi changes very rapidly too. The nature of their crime is very sophisticated, and there are layers upon layers of complexity and anonymity in this crime.’” (Dawn, 20 September 2015)

## 12 Treatment of persons with disabilities

The Pakistani newspaper The Express Tribune published an article about the number of people with disabilities in Pakistan in January 2016 providing the following statistics:

“Sharing statistics of disabled persons in the country, Prof Muhammad Wasay, president of the Pakistan Society of Neurology, said that Pakistan has one of the largest disabled populations in the world, with an alarmingly large number of about two million physically or mentally handicapped children, who are 43 per cent of the total disabled population of the country. [...] He said that there are around 1.4 million disabled children in the country. Prof Wasay said that 5.03 per cent of the population is disabled and the number goes up by 2.65 per cent every year. ‘Almost 65 per cent of the disabled persons live in urban areas and the rest in rural areas,’ he said. He explained that of those, 42 per cent are women, adding that 58 per cent these people are from the Punjab and 28 per cent from Sindh. The neurologist said a large number of Pakistanis were becoming disabled due to neurological, mental and physical disorders, as well as due to accidents, incidents of terrorism and other reasons. ‘The centres for rehabilitation of disabled persons, including for children, are almost non-existent in the country,’ he criticised, adding that, due to this, a large number of people with disabilities, who could otherwise be treated and become active members of society, have become a burden on their families and society.” (The Express Tribune, 7 January 2016)

The US Department of State (USDOS) human rights report covering the year 2015 provides the following overview of national structures catering for persons with disabilities and explains that the protection of disabled people is the responsibility of the provinces:

“The law provides for equal rights for of persons with disabilities, but authorities did not always implement its provisions. After the Ministry of Social Welfare and Special Education was dissolved in 2011, its affiliated departments - including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled, and National Trust for the Disabled - were transferred to the Capital Administration and Development Division. The special education and social welfare offices, which devolved to the provinces, are responsible for protecting the rights of persons with disabilities.” (USDOS, 13 April 2016, section 6)

According to an article in the Pakistani newspaper Dawn published in May 2015 “[p]eople with disabilities form almost 15 per cent of Pakistan’s population but their rights find no mention in the Constitution”. The article further states that “[e]ven the ordinance promulgated in 1981 to provide them employment has hardly been implemented” (Dawn, 21 May 2015). The same newspaper published an article in March 2016, providing the following information on the above mentioned Ordinance:

“The Disabled Persons (Employment and Rehabilitation) Ordinance which came in 1981 has never been a functioning law in three decades. Under the law, one per cent of the jobs at any private or public establishment are to be given to special people,’ said Advocate Mohammed Vawda. [...] Moved by the troubles special persons have been facing especially in getting employment, Mr Vawda filed a

petition in the Sindh High Court in 2013, seeking implementation of the 1981 law. But the government didn't give any positive response, he said, adding that he was planning to file a fresh petition." (Dawn, 13 March 2016)

According to the human rights report of the USDOS covering the year 2015, the government foresees a two per cent job quota for disabled persons at public and private institutions. The USDOS further provides the following information on work and education possibilities for people with disabilities:

"The government's 2003 National Disability Policy designated the federal capital and provincial capitals as disability-friendly cities and granted permission to persons with disabilities to take central superior service exams to compete for entry to the civil service. The policy also provided for 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. Authorities only partially implemented this requirement due to lack of adequate enforcement mechanisms. In Lahore, beginning in December 2014 and continuing sporadically thereafter, persons with visual disabilities held protests against the lack of jobs, which were in short supply despite the legal quota. [...] Organizations that did not wish to hire persons with disabilities could instead pay a fine to a disability assistance fund. Authorities rarely enforced this obligation. The National Council for the Rehabilitation of the Disabled provided job placement and loan facilities, as well as subsistence funding." (USDOS, 13 April 2016, section 6)

The same USDOS report notes that "[f]amilies cared for most individuals with physical and mental disabilities" (USDOS, 13 April 2016, section 6). An article in The Express Tribune from January 2016 gives the following insights on care options and facilities for disabled persons in Pakistan:

"Mentally and physically disabled people in Pakistan lack proper rehabilitation centres and the number of disabled persons has risen after the increasing number of bomb blasts, terrorist attacks and earthquakes in the country, said Prof Nabila Soomro, president of the Pakistan Society of Neuro-Rehabilitation (PSNR). 'The armed forces have more therapists than civilian institutions,' claimed Prof Soomro. She said that the number of patients with stress is increasing and more rehabilitation centres are needed. [...] 'Unfortunately, there are neither adequate number of qualified physicians nor centres for their rehabilitation to make them active members of society, who could lead their lives on their own,' he lamented." (The Express Tribune, 7 January 2016)

In its fifth state party report submitted to the United Nations Committee on the Rights of the Child (CRC) in January 2015 and published by the CRC in May 2015, the government of Pakistan mentions the National Policy for Persons with Disability (NPPD), which has been approved by the government in October 2002 and was officially launched in a "Mega Event" held at Lahore in June 2003 (WHO, 2007, p. 98):

“The National Policy for Persons with Disabilities (NPPD), 2002, aimed at eliminating discrimination against persons with disabilities including children. There are approximately 600 special education institutions/centers for children with disability functioning across the country under the oversight of the federal and provincial governments.” (Government of Pakistan, 4 May 2015, p. 17)

The National Policy for Persons with Disabilities, 2002, can be accessed via the following link:

- Government of Pakistan, Ministry of Women, Welfare and Special Education: National Policy for Persons with Disabilities, 2002  
<http://siteresources.worldbank.org/PAKISTANEXTN/Resources/pdf-Files-in-Events/Pak-Disabled-Policy.pdf>

The above-mentioned state party report to the CRC also elaborates on education facilities for children with disabilities, providing the following information:

“The Government has adopted an inclusive education system for children with disabilities; mainstreaming children with disability in formal academic systems; increased enrolment and accessibility to regular schools. [...] The Special Education Departments (SEDs) not only administer centers for children with disability, they also provide transport service, hearing aids and other assistive devices free of cost to the children. The PBM [Pakistan Bait-ul-Mal, autonomous governmental body for poverty alleviation] provides wheel chairs to children and adults, especially those affected by natural disasters. NGOs have also provided technical support to the Directorates of Special Education.” (Government of Pakistan, 4 May 2015, p. 29)

In its concluding observations on the fifth periodic report of Pakistan from June 2016, the Committee on the Rights of the Child (CRC) writes the following on education of children with disabilities:

“The Committee is seriously concerned about the reports of frequent abandonment of children with disabilities due to their widespread stigmatization in the society. While noting the State party’s intention to provide inclusive education, it is concerned that large number of children with disabilities living in the State party has no access to education. It is also concerned that special education centers, attended by a small number (reportedly 0,04%) of children with slight disabilities, are inadequate to meet the needs of children and are totally absent in rural areas. The Committee is furthermore concerned that schools, hospitals and recreational infrastructure have a limited accessibility for children with disabilities.” (CRC, 3 June 2016, p. 11)

In an article from October 2015, the Pakistani newspaper The Express Tribune quotes Minister for Special Education Asif Saeed Manhais stating that “28,850 special students – 18,546 boys and 10,304 girls – had been enrolled in institutions set up by the Special Education Department” (The Express Tribune, 14 October 2015). According to the USDOS human rights report for the year 2015 however, most children with disabilities in Pakistan did not attend school:

“According to the Leonard Cheshire Foundation, most children with disabilities did not attend school. At the primary level, 50 percent of girls and 28 percent of boys with disabilities were out of school. At the higher education level, Allama Iqbal Open University, the University of the Punjab, and Karachi University had programs to train students as educators for individuals with disabilities.” (USDOS, 13 April 2016, section 6)

The Global Partnership for Education, which supports developing countries in the provision of education, summarises the results of the 2015 Annual Status of Education Report (ASER) on the education of children with disabilities as follows:

“In 2015, ASER Pakistan included children with disabilities in their large scale assessment with the aim of identifying both the numbers of children with disabilities enrolled in schools and their level of learning. [...] Findings from the ASER Pakistan 2015 survey provide interesting insights. Of the approximately 60,000 children surveyed in 36 rural districts of Punjab, findings suggest that 1.2% of children were reported as having ‘moderate to severe difficulties’ in seeing, hearing, walking, caring, understanding or remembering. [...] While the proportions of children reported to having difficulties are not very high, the absolute number is not negligible and the significant variation in educational opportunities and learning outcomes is starkly highlighted in the survey findings. Survey results suggest that the likelihood of educational access for children with mild levels of difficulties is almost the same as for children who reported no difficulties in undertaking basic activities. Unfortunately, this is not the case for children reported to have moderate to severe difficulties. These children are more likely to have never been enrolled in school, in contrast to those reporting no difficulties. Interestingly, once in school the likelihood of dropout is not dependent on the reported status of difficulties.” (Global Partnership for Education, 27 January 2016)

The ASER report for the year 2015 (Rural Report and Urban Report) can be downloaded on the following website:

- ASER - Annual Status of Education Report: Full National Report (published by SAFED – South Asian Forum for Education Development), 17 December 2015  
<http://aserpakistan.org/report>

In March 2016, the Express Tribune quotes a representative of the Network of Organisations Working with People with Disabilities, Pakistan (NOWPDP), who said that people with disabilities often face difficulties in obtaining a Special Computerised National Identity Card (SCNIC). The article reports on an initiative of the NOWPDP to provide easier access to these special identity cards through organizing a camp in Sindh which acts as a “one-window process” where persons with disabilities can apply for a SCNIC without having to go through numerous application processes. The process to obtain a SCNIC is described as “cumbersome” by the director of NOWPDP:

“The applicants are supposed to get employment exchange card, medical assessment and disability certificate. After the approval from social welfare

department, then they finally apply for their SCNIC at National Database and Registration Authority (NADRA), he explained. [...] After acquiring their SCNIC, they can at least apply for the employment opportunities against their respective two per cent job quota, he added.” (The Express Tribune, 17 March 2016)

In terms of political participation of persons with disabilities, the USDOS human rights report for the year 2015 notes that “[t]here were no legal restrictions on the rights of persons with disabilities to vote or participate in civil affairs”, however, “[v]oting was challenging for persons with disabilities [...] because of severe difficulties in obtaining transportation and access to polling stations.” (USDOS, 13 April 2016, section 6)

## 13 Treatment of individuals of diverse sexual orientation and gender identities

The world federation of national and local organisations dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people called the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), describes the governments of Pakistan's approach towards issues of sexual orientation and gender identity in its annual international report published in June 2016 as follows:

“Pakistan has been particularly vocal at the Human Rights Council and at various UN fora in its refusal to embrace SOGI [Sexual Orientation and Gender Identity] within the scope of the various human rights Treaty Bodies, and in its promotion of the ‘traditional values of human kind’ resolutions at the Human Rights Council. In June 2012, at the 19th session of the HRC, at the reading of a report mandated by the first SOGI resolution (A/HRC/19/42) of September 2011, Pakistan led a walkout by member States of the Organisation of Islamic Cooperation, which was unprecedented behaviour in that forum. They were objecting to ‘attempts to create’ ‘new standards’ regarding SOGI that ‘seriously jeopardise[s] the entire international human rights framework’. Pakistan continues to object to the application of international human rights standards to SOGI in UN forums. According to Kaleidoscope Trust, in April 2014, a serial killer confessed to killing three gay men because of their sexual orientation, yet Pakistani media depicted the serial killer as ‘the epitome of righteousness.’ Section 294 [of the Pakistan Penal Code] is reportedly often deployed to target male and trans sex workers.” (ILGA, June 2016, pp. 112-113)

The above-mentioned Section 294 of the Pakistan Penal Code which reportedly is used to target male and trans sex workers describes “obscene acts and songs” and reads as follows:

“294 - Obscene acts and songs: Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.” (Pakistan Penal Code, 1860, amended as of 24 March 2016, Section 294)

Section 377 of the Pakistan Penal Code describes “unnatural offences” which may include same-sex relations which can be punished with imprisonment for life:

“377 - Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.” (Pakistan Penal Code, 1860, amended as of 24 March 2016, Section 377)

Dr Matthew J Nelson from the University of London describes Section 377 of the Pakistan Penal Code and other regulations impacting non-heterosexual relations in a report to the UK Independent Advisory Group on Country Information from 2015:

“[...] Section 377 of the Pakistan Penal Code criminalises ‘carnal intercourse against the order of nature’, which is usually read as prohibiting non- heterosexual sexual activity involving any form of penetration. (The punishment for individuals convicted under Section 377 of the Pakistan Penal Code involves a fine plus imprisonment—generally 2-10 years but potentially for life.) In addition to Section 377, Pakistan’s Hudood Ordinance (Section 4) criminalises ‘zina’ or sexual intercourse outside marriage. This law does not specifically target LGBT groups. However, insofar as non-heterosexual relationships cannot be legalised in any form of marriage, it suggests that non-heterosexual sexual acts that involve penetration can be prosecuted. [...] In any event, the legal punishment for zina (Sections 5 and 17) perpetrated by a Muslim is death. (For non-Muslims the punishment is lashing.) The evidentiary requirement for conviction, however, is very high, involving four eyewitnesses. This, at least in part, accounts for the fact that LGBT convictions for zina are very rare. However, the fear of prosecution under Section 377 or the Hudood Ordinance is significant for LGBT individuals, even despite the fact that convictions leading to formal legal punishments are rare” (IAGCI, 2015, pp. 1-2)

The applicability of Section 377 of the Pakistan Penal Code for lesbian couples is discussed in a query response on sexual minorities by the Immigration and Refugee Board of Canada (IRB). The IRB consulted the Neengar Society as well as the Gay and Lesbian Human Rights Commission (IGLHRC) in December 2013 and received the following information on the application of Section 377 and 294 of the Pakistan Penal Code:

“In correspondence with the Research Directorate, the President of Neengar Society, a youth-led NGO in Pakistan promoting rights for sexual and religious minorities (4 Dec. 2011), explained that since Section 377 cites ‘carnal intercourse,’ it is not applicable to lesbian couples (Neengar Society 20 Dec. 2013). The country advisor for IGLHRC [Gay and Lesbian Human Rights Commission] similarly stated that the law does not apply to same-sex sexual acts between women, which he said is ‘still a very unexplored territory’ in Pakistani law (IGLHRC 17 Dec. 2013). [...] The President of Neengar Society noted that Section 294 [on ‘Obscene Acts and Songs’] of the Pakistan Penal Code is sometimes applied to transgender people or male sex workers (20 Dec. 2013). [...] The Neengar Society President noted that: these laws [Sec. 294 and Sec. 377] are rarely enforced, instead these laws are used to threaten and blackmail people. Since social stigma and discrimination against LGBT community is more severe in Pakistan, police and other community members threaten the members of LGBT community that they will have them arrested and thrown in jail. (20 Dec. 2013) The President of Neengar Society stated that LGBT people are mostly arrested for extortion purposes and that cases may be altered after the police are bribed (20 Dec. 2013).” (IRB, 13 January 2014)

The US Department of State (USDOS) human rights report covering the year 2015 also noted that “[c]onsensual same-sex sexual conduct is a criminal offense; however, the government rarely prosecuted cases”. The USDOS further states that LGBTI persons “rarely revealed their sexual orientation or gender identity” and that “[n]o laws protect against discrimination on the basis of sexual orientation or gender identity” (USDOS, 13 April 2016, section 6).

Referring to newspaper articles and reports from governmental and non-governmental organisations from the years 2009 to 2015, the April 2016 UK Home Office Country Information and Guidance on sexual orientation and gender identity in Pakistan summarises the development of legal rights for transgender persons:

“In December 2009 the Supreme Court (SC) ruled that a ‘third gender’ category, other than male or female, was to be included on the national identity card. The government was further directed by the SC to take steps to ensure that transgender people became entitled to inherit property. On 14 November 2011 the SC directed the Election Commission to enrol transgender people as voters and allow them to stand as candidates in parliamentary and other elections. In September 2012 (Constitutional Petition No 43, 2009, SC 25.9.2012) the SC reaffirmed that transgender persons (the Khawaja Sarra in this case) had equal rights with all citizens of Pakistan, including right to life, dignity, property and voting rights. The SC held that government functionaries, both at federal and provincial levels, were bound to act in accordance with these rights.” (UK Home Office, April 2016, pp. 13-14)

In its April 2016 report on human rights, the USDOS notes that “[a] 2012 Supreme Court ruling recognizes hijras as a ‘third gender’ and allows them to obtain accurate national identification cards. Because of the ruling, hijras fully participated in the 2013 elections for the first time as candidates and voters” (USDOS, 13 April 2016, section 6).

The BBC News also reports about the religious decree in June 2016:

“A religious decree declaring transgender marriage to be legal has been cautiously welcomed in Pakistan, but activists say attitudes still need to change. [...] ‘We are glad that somebody’s talked about us too,’ transgender rights worker Almas Bobby told BBC Urdu. ‘By Sharia we already had the right [to marry], but unless measures are taken to remove the misconceptions about us in society, the condition of our community will not be changed.’ Another social worker for gender issues told BBC Urdu that it was a ‘good step’, but that issues would remain until transgender marriage was officially legitimised. Qamar Nasim said that many police officers had charged people in transgender marriages because ‘due to a lack of knowledge [...] they consider it same-sex marriage’. ‘This practice can only be stopped when [the] government spread awareness about rights of a transgender person.’” (BBC News, 28 June 2016)

The same BBC article also provides the following insights into the situation of transgender people in Pakistan also describing the death of a transgender activist:

“Transgender people are discriminated against in Pakistan and struggle to find employment. More than 45 transgender people have been killed in the Khyber Pakhtunkhwa province in the past two years, according to local rights group Trans Action. Last month, a 23-year-old transgender activist died after delays in treatment. Alisha, who was shot eight times, was in critical condition when admitted to hospital but staff could not decide whether to put her in a male or female ward, according to her friends. Trans Action, an advocacy group, say that there are at least 45,000 transgender people in the province and at least half-a-million nationwide. In 2012, Pakistan’s Supreme Court declared equal rights for transgender citizens, including the right to inherit property and assets. They were also given the right to vote the year before. However, it has denied homosexual couples the permission to marry, with cases in the past of male homosexuals being charged under anti-sodomy laws.” (BBC News, 28 June 2016)

In a June 2016 article about an attack on a transgender woman, Reuters news agency mentions both the rights and the marginalisation of transgender people:

“A transgender woman in Pakistan was shot for refusing to have sex with attackers who broke into her home, in the latest in a series of assaults on trans people, police said. [...] The incident - the latest in a string of attacks targeting Pakistan’s transgender community in Khyber Pakhtunkhwa province - sparked protests in Mansehra on Monday. Trans people technically enjoy better rights in Pakistan than in other countries around the world, but in practice they are marginalized and discriminated against in accessing health, education and jobs, and they often face violence and stigma.” (Reuters, 15 June 2016)

The Immigration and Refugee Board of Canada (IRB) consulted the International Gay and Lesbian Human Rights Commission and the Neengar Society in December 2013 about the treatment of LGBT people by the police. The following information was provided to the IRB:

“The IGLHRC [International Gay and Lesbian Human Rights Commission] country advisor expressed the opinion that if an LGBT person who faced threats from family or community members went to the police, that the police ‘may become an accomplice rather than protector’ (17 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate. According to the President of Neengar Society, incidents of threats or violence from family members against LGBT people are usually unreported and are resolved within the family; there is usually an unspoken agreement that no one will involve the police, and an LGBT person will not report incidents, even if they are ‘badly beaten’ (Neengar Society 20 Dec. 2013). According to the IGLHRC country advisor, young men or boys that identify as gay typically face expulsion from the family home if they do not relinquish their sexual orientation (17 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.” (IRB, 13 January 2014)

In its human rights report covering the year 2015, the US Department of State (USDOS) summarises the treatment of LGBTI persons as follows:

“Discrimination against LGBTI persons was widely acknowledged privately, but insufficient data existed for accurate reporting, due in part to severe societal stigma and fear of recrimination on the part of any who came forward. In September 2013 the PTA [Pakistan’s Telecommunication Authority] blocked the country’s first online platform for the LGBTI community to share views and network. Violence and discrimination continued against LGBTI persons. In April, two members of the transgender community were killed and a third abducted and raped. In June authorities arrested two men in Balochistan for allegedly getting married and charged them with violating the penal code after a medical examination indicated they had intercourse with each other. Society generally shunned transgender persons, eunuchs, and intersex persons, collectively referred to as ‘hires,’ who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were prostitutes. Local authorities often denied hijras places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Authorities often denied hijras their share of inherited property.” (USDOS, 13 April 2016, section 6)

## 14 Treatment of internally displaced persons

In its Global Report on Internal Displacement covering the year 2015, Internal Displacement Monitoring Centre (IDMC) and the Norwegian Refugee Council (NRC) report that “[i]n Pakistan, two disasters accounted for almost all of the displacement that took place during the year”. According to the report, “[n]early 666,000 people were displaced in Khyber Pakhtunkhwa (KP) province and Bajaur in the Federally Administered Tribal Areas” due to a 7.5 magnitude earthquake in the Hindu Kush mountains in October 2015” (IDMC/NRC, May 2016, p. 15). The IDMC registered over a million new displacements because of disasters in 2015. The same report registered an overall 1.459.000 IDPs due to conflict for 2015, with no additional IDPs during the reporting period (IDMC/NRC, May 2016, p. 98). The Human Rights Commission of Pakistan (HRCP) provides the following overview of internal displacement in its human rights report covering the year 2015:

“As in the last few years, displacement of population due to militancy, counter-insurgency and other related violence and natural disasters was a major concern in 2015 as well. At the end of 2015, there were approximately 1.5 million new or previously displaced people on account of militancy and security operations in Pakistan’s northwestern region. The monsoon floods in 2015 affected approximately 1.6 million people, although the displacement on account of the floods was generally short-lived, except for the people who lost their houses. In July and August 2015, monsoon floods forced 920,000 people to flee their homes. More than 175,100 people took refuge in camps across the country and almost 740,400 people were evacuated in Sindh province alone. [...] Protracted displacement has been a pressing challenge in the conflict affected northwestern parts of Pakistan. Some of the families who fled their homes as long ago as 2008 remained displaced in 2015 too. Such populations in the northwest often tended to stay in the areas where they first took refuge. Although hundreds of thousands of IDPs returned home in 2015, over 1.5 million were still displaced at the end of the year under review.” (HRCP, March 2016, refugees, pp. 10-11)

According to the US Department of State (USDOS) “[b]oth natural disasters and conflict resulted in internal displacement” (USDOS, 13 April 2016, section 2d). In its human rights report covering the year 2015, the USDOS provides the following summary on internally displaced people (IDPs):

“The National Disaster Management Authority reported approximately 1.5 million persons as displaced due to monsoon floods across the country during the year. Large population displacements also occurred as a result of militant activity and military operations in KP and FATA. Although an estimated 1.6 million persons affected by conflict returned home in 2013 and 2014, at the beginning of the year 1.6 million internally displaced persons (IDPs) continued to live with host communities, in rented accommodations, or in camps. The government and UN agencies such as UNHCR and UNICEF collaborated to assist and protect those affected by conflict and to assist in their return home. In some areas an estimated 50 percent of the IDP population had been displaced five years or longer, according

to the Internal Displacement Monitoring Center.” (USDOS, 13 April 2016, section 2d)

The USDOS points out that “[t]he government required humanitarian organizations assisting civilians displaced by military operations to request NOCs [Non Objection Certificates] to access Mohmand and Kurram agencies in FATA” (USDOS, 13 April 2016, section 2d). It further provides the following information on access to IDP camps:

“According to humanitarian agencies and NGOs, the NOC application process was cumbersome. The government maintained IDP camps inside and near the FATA agencies where military operations took place despite access and security concerns raised by humanitarian agencies. Humanitarian agency workers providing assistance in the camps were exposed to danger when travelling to and within FATA. UN agencies maintained access to the camps and the affected areas mainly through local NGOs.” (USDOS, 13 April 2016, section 2d)

The August 2015 IDMC report further provides the following information on the governmental response to internal displacement, the lack of a national policy for IDP protection, provincial-level frameworks and the government’s reluctance to define and use the term IDP:

“National and provincial authorities, host communities, family networks, civil society and the military are all involved in Pakistan’s response to internal displacement. At the national level, the National Disaster Management Authority (NDMA) focuses on displacement caused by disasters, while the Ministry of States and Frontier Regions (SAFRON) coordinates the response to that triggered by violence. The FATA Disaster Management Authority (FDMA) and provincial disaster management authorities (PDMAs) in KP, Punjab, Sindh and Balochistan coordinate the response at the provincial level. NADRA is responsible for issuing CNICs [computerised national identity card] and registering IDPs. The government has made substantial efforts to address IDPs’ needs over the years. Registration has enabled hundreds of thousands of people, including large numbers who live outside camps, to receive assistance (IDMC, 12 June 2013, p. 10). Immediate relief has generally included shelter, cash grants, food, water, sanitation and healthcare services. [...] Despite these efforts, significant challenges remain in policy terms. Provincial-level frameworks have been put in place in KP and FATA to guide the response to displacement caused by both violence and disasters, including the FATA early recovery assistance framework (ERF), but Pakistan has no national policy or legislation for IDPs’ protection (GoP and UNDP, 20 March 2013). The national disaster management law of 2010, which covers both natural and human-made disasters, does not include a definition of an IDP, and the government prefers the term ‘temporarily dislocated person’ (Dawn, 23 June 2014). KP’s PDMA does, however, use the term IDP (PDMA, last checked 18 August 2015).” (IDMC, 24 August 2015, pp. 11-12)

As of July 2016, the Khyber Pakhtunkhwa Provincial Disaster Management Authority continues to use the term IDP on its website (PDMA Khyber Pakhtunkhwa, undated). In October 2015, the Pakistani newspaper Dawn also writes that the government has not clearly defined

displacement. Giving the following overview of relevant legislation, the article also explains that disaster management has also become the responsibility of the provinces since the eighteenth Amendment of the Constitution in 2010:

“While displacement has been a recurring phenomenon in Pakistan so far the successive governments have even not been able to define it. In Pakistan, the law dealing with both natural and manmade disasters is the National Disaster Management Act (NDMA) enacted in Dec 2010. This law does not define ‘displacement’ or ‘displaced persons’. Different issues have been surfacing due to lack of clarity in the law. Unlike refugees, the IDPs are citizens of the country and entitled to fundamental rights mentioned in the Constitution just like other citizens. With the passage of time both the federal and provincial governments should have modified the law so as to include the definition and rights of IDPs in it. Following the Constitution (Eighteenth Amendment) Act, 2010, disaster management is now a provincial subject and the provincial assemblies are now being empowered to make amendments to the NDMA 2010.” (Dawn, 19 October 2015)

The National Disaster Management Act can be accessed via the following link:

- The National Disaster Management Act, 2010 [An Act to provide for the establishment of a National Disaster Management of Pakistan] (published in the Gazette of Pakistan, 11 December 2010)

[http://www.na.gov.pk/uploads/documents/1302135719\\_202.pdf](http://www.na.gov.pk/uploads/documents/1302135719_202.pdf)

The Human Rights Commission of Pakistan (HRCP) provides the following summary of the government’s response to internal displacement and the challenges in this regard:

“2015 was another year when the government chose to deal with the various internal displacement situations in an ad hoc manner. Lack of identity documents continued to lead to denial of assistance. Adequate alternative steps were not taken for provision of lost identity papers. The requisite emphasis on prior and pre-arranged protection and assistance mechanisms for vulnerable segments, such as children, women, persons with disabilities and members of religious minority communities, which took into account their special needs, remained largely absent. A consultation organised by HRCP late November concluded with the demand that Pakistan must adopt a specific framework on displacement in line with international standards which should recognise the right of all citizens to be free from arbitrary displacement. [...] They [the participants at the consultation] said that selective application of the term IDP, especially discriminating depending on where displacement occurred, must be outlawed.” (HRCP, March 2016, refugees, p. 13)

In May 2016, the UN High Commissioner for Refugees (UNHCR) outlines that 227 IDP families in FATA and Khyber Pakhtunkhwa, which constitutes less than 1 per cent of total IDP families, are living in one IDP Camp. The remaining 99 per cent, a reported total of 146,485 IDP Families, are living in host communities (UNHCR, 31 May 2016). Summarising information from the year 2014 and 2015, the IDMC provides the following summary on the accommodation of IDPs:

“Most IDPs in the north-west rent their accommodation, despite high costs and a requirement that two locals attest contracts making it more difficult for them to do so. Two-thirds of respondents to a survey of protracted IDPs conducted in 2014 were tenants. Of them, more than half were not aware of their tenancy rights and three-quarters only had verbal agreements, but there were very few reports of forced evictions.” (IDMC, 24 August 2015, pp. 9-10)

In its annual human rights report, the USDOS notes for the year 2015 that “[s]everal IDP populations settled in informal settlements outside of major cities like Lahore and Karachi” and that “[c]ity authorities evicted IDPs in Islamabad and Muzaffarabad and bulldozed squatter settlements to restore land rights to owners” (USDOS, 13 April 2016, section 2d). In a Humanitarian Bulletin from the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) for December 2015 to January 2016, UN OCHA provides the following information on the living conditions of IDPs:

“Most IDPs live in informal settlements and host communities in neighbouring KP, where they lack adequate housing, sanitation, electricity supply, schools, hospitals and roads. There are also concerns about a lack of protection services, especially for vulnerable women, children and elderly or disabled IDPs. Displaced families increasingly depend on less stable sources of income and selling assets, as they struggle to cope. Assessments indicate that an estimated one-third of IDPs do not have access to clean drinking water and two-thirds cannot afford to buy enough food to meet their basic needs. The displacement has placed a huge strain on already under-staffed and under-resourced health and education services.” (UN OCHA, 31 January 2016, p. 2)

In its human rights report covering the year 2015, the Human Rights Commission of Pakistan (HRCP) looks at the situation of women and children among IDPs and points out that they “faced many additional problems for they lacked even the frail voice that displaced men had in terms of raising concerns over issues and decisions that affected them” (HRCP, March 2016, refugees, p. 11). The HRCP provided the following summary of the difficulties faced by women IDPs:

“Many displaced women from FATA faced great problems in accessing assistance because they did not hold a CNIC [Computerised National Identity Cards], sometimes because other family members disallowed them to have identity documents, militant groups prevented them from obtaining them or they were unaware of their importance. A lack of female personnel and private space at registration points also prevented some women from entering. Women also generally avoided areas where assistance was distributed for fear of harassment and gender-based violence. They also reported difficulties in lodging their grievances.” (HRCP, March 2016, refugees, p. 11)

In its report from August 2015, the IDMC adds that “[a] significant number of displaced second, third and fourth wives do not hold a CNIC [Computerised National Identity Card]” (IDMC, 24 August 2015, p. 7).

The USDOS human rights report covering the year 2015 provides the following summary of the situation for internally displaced children:

“According to the NGO BeFare, it was difficult for children displaced by military operations to access education or psychological support. SPARC and other child rights organizations expressed concern that children displaced by flooding and conflict were vulnerable to child labor abuses as some families relocated to urban areas. Doctors working in IDP camps reported difficulty in treating the large influx of patients, including children and elderly persons, because they were especially sensitive to disease, malnutrition, and other health conditions. Poor hygiene and crowded conditions found in the IDP communities forced some children to endure skin rashes, gastroenteritis, and respiratory infections. The government provided polio vaccinations to many displaced children who were not inoculated, since they came from areas where militant groups banned vaccination campaigns” (USDOS, 13 April 2016, section 6)

The IDMC also points out that “IDPs’ lives and physical security are threatened at all stages of their displacement” (IDMC, 24 August 2015, p. 7). The report also provides a summary of incidents during 2014 (IDMC, 24 August 2015, p. 7).

In June 2015, the Pakistani newspaper The Express Tribune reports about a clash of IDPs with military forces in a camp in Bannu in FATA and writes that “[a]t least two internally displaced persons (IDPs) were killed and 10 wounded after soldiers fired at them” (The Express Tribune, 22 June 2015). The Human Rights Commission of Pakistan (HRCP) also writes about protests of IDPs during the reporting period of 2015, providing the following summary which also includes the incident in Bannu:

“In January, the internally displaced persons from Khyber Agency had staged a protest outside the Governor’s House in Peshawar to demand an end to the military operation in their area, a comprehensive financial package, early repatriation, and the opening of the main market in the area. They vowed not to return until security was provided to them, their destroyed houses were rebuilt, and local schools, hospitals and government offices reopened.

Displaced population from North Waziristan were reported to have protested over being asked to reaffirm their allegiance to the Constitution, the colonial-era Frontier Crimes Regulation and local customs, by signing an undertaking before they could return to their native areas.

At time the protesters clashed with the security personnel. In the most serious clash, in June, two displaced men were killed and several injured in Bakakhel Camp in the Bannu Frontier Region when troops opened fire at IDPs from North Waziristan. Clashes had broken out after the displaced persons protested against lack of drinking water and other facilities at the camp and restriction imposed by the management on their movement outside the camp. Troops are managing the camp adjoining North Waziristan where around 3,500 families have been accommodated. The protest started when they were not allowed to go outside the

camp and troops opened fire to disperse the protests.” (HRCP, March 2016, refugees, pp. 12-13)

In October 2015, the Pakistani newspaper Dawn reports that IDPs were banned from moving around freely in Peshawar, stating that “[b]anners have been displayed by the local police in parts of Peshawar city carrying a public notice wherein several instructions are mentioned for general public” and that “[a]t serial No 5 of the instructions it is mentioned that entry of Afghan refugees and IDPs and their roaming around in the city is banned”. Officials reportedly stated that the measurement was introduced due to security concerns, the article raises the question, however, “whether because of security concerns hundreds of thousands of people could be deprived of their fundamental right to movement” (Dawn, 19 October 2015).

Among the sources consulted no information could be found about security incidents in IDP camps during the year 2016.

In a humanitarian bulletin covering the period from December 2015 to January 2016, UN OCHA writes that “[t]he focus of the humanitarian community in 2016 will be on the IDP response, which is expected to increasingly shift from camps and host communities to return areas” (UN OCHA, 31 January 2016, p. 1). In a fact sheet from June 2016, USAID provides the following progress report about IDPs returns:

“As of June 23, more than 41,600 displaced households had returned to areas of origin in FATA in 2016. Approximately half of all households displaced from FATA have returned, while an estimated 149,400 households remain displaced from the area; according to OCHA, the number of returned households exceeds the number that remain displaced for the first time. As of June 24, the GoP [Government of Pakistan] had disbursed an estimated \$48 million in transport and return grants to support households returning to FATA, according to OCHA. The GoP has also initiated a survey of damaged housing in areas of return to determine house reconstruction cash assistance levels for returnee households. Owners of houses identified as fully damaged are entitled to receive \$3,800 in compensation, while owners of partially damaged houses will receive \$1,500. As of early June, the GoP Political Administration Office, which manages the house reconstruction fund, had dispersed approximately \$17 million in compensation, the UN reports.” (USAID, 30 June 2016, p. 2)

In its report covering the year 2015, the HRCP points out, however, that “[t]he return of IDPs was not such a smooth affair as the numbers for 2015 suggested” (HRCP, March 2016, refugees, p. 11). The USDOS human rights report for the year 2015 indicates that there is a substantial amount of female-headed households among the returns, stating that from March to September 2015 “[a]pproximately 21 per cent of all returns were female-headed households” (USDOS, 13 April 2016, section 2d). The report further provides the following information on the return of IDPs during the reporting period 2015:

“There were no reports of involuntary returns. Although government authorities encouraged IDPs to return to officially cleared areas, the vast majority of displaced

families were unable or unwilling to go home. This was due to what many families regarded as inadequate compensation and assistance for returnees, persistent insecurity, and damaged housing. Once evacuated, IDPs received immunizations, with many of the children receiving them for the first time in five years. The state and relief organizations placed special emphasis on polio, as many IDP children were vulnerable to the disease due to the Taliban-imposed ban on immunizations. Many families delayed their return to gain regular access to health care. For IDPs who were unwilling or unable to return, the government coordinated support with UNHCR and other international organizations. The World Food Program distributed food rations to IDPs displaced by conflict and continued to provide rations for six to nine months to IDPs who returned to their areas of origin.” (USDOS, 13 April 2016, section 2d)

The UN OCHA points out in its humanitarian bulletin covering December 2015 to January 2016 that “IDPs that have returned face considerable difficulties restarting agriculture-based livelihoods due to the unavailability of key inputs” (UN OCHA, 31 January 2016, p. 2). It provides insights in the challenges faced by returned IDPs and gives the following outlook for 2016:

“An estimated 60 per cent of IDPs own agricultural land in FATA. When they return, IDPs find fields that have been fallow, in many cases for several years. Most have lost their seeds, farming equipment and livestock during displacement, making it even more difficult for them to restart agricultural activities. On average, IDPs in return areas can only produce enough to meet household needs for 3.5 months per year necessitating a need for long-term sustainable access to livelihoods. Over the course of 2016, the number of people in need is expected to decrease slowly with the transition to early recovery and development assistance for returned IDPs. It is expected that by the end of 2016, the vast majority of IDP interventions will be conducted in FATA. A failure to respond to the complex humanitarian crisis in Pakistan will have irreversible damage on the lives of some of the most vulnerable including IDPs that have recently returned to FATA and those that remain displaced, registered Afghan refugees, and acutely malnourished children and women.” (UN OCHA, 31 January 2016, pp. 2-3)

In April 2016, the Integrated Regional Information Network (IRIN) reports about returned IDPs providing the following overview of the situation upon return:

“Most internally displaced people have already returned, but the government says nearly half a million remain in camps, mostly around the city of Peshawar. [...] The Ministry for States and Frontier Regions says it is working to return all remaining IDPs to FATA this year, and it plans to begin the next stage of resettlement this week. ‘We are trying our best for these people to return to good conditions in their home region,’ the minister, Qadir Baloch, told IRIN.

Those who have already returned said the government did little to rebuild their devastated communities. Rehman Khan Afridi was provided with 25,000 rupees (about \$240) when he went back to his home in the Tirah Valley in Khyber Agency last September. But that didn’t even come close to covering the cost of rebuilding

his five-room house, which was completely destroyed. 'We literally had nowhere to live,' said Afridi. 'The money I had been given was quickly used up on food, medicines for my wife and merely on survival.' For two weeks, Afridi, his pregnant wife, their five children and his elderly father slept under a canvas sheet. Then the family decided to return to Peshawar. After hearing stories like that, other families are debating whether to go home this week. 'We are told we will be given some cash support to meet our basic needs, but there is no news of what will be done to rebuild our demolished homes,' said Ahmed Khan, who was displaced with his family from South Waziristan last July. [...]

'No efforts have been made to adopt a proactive policy or a long-term strategy to address the challenges associated with internal displacement,' said the commission [Human Rights Commission of Pakistan]. In its statement, the military referred to a 'master plan' for infrastructure development, although it gave little detail, saying only that 94 'projects of various natures have been completed', while another 153 were under way. [...]

The FATA Disaster Management Authority is appealing for more money, but 'funds to repatriate IDPs are limited', said an official, speaking on condition of anonymity since they were not authorised to talk to media. Returnees who spoke to IRIN by phone also said there was little evidence of development. Ayub Wazir went home to the South Waziristan town of Wana two weeks ago only to find that the local economy had been destroyed, along with homes and infrastructure. There was no sign of government efforts to rebuild or create jobs and business opportunities. 'There is literally nothing to do here,' said Wazir. 'I can rebuild my home on my own, but I need more funds and a job to do so.' Khawar Khan Afridi, a doctor who runs a clinic in the town of Bara in Khyber Agency, said the situation was the same there: 'There is very little here now for people to come back to.'" (IRIN, 4 April 2016)

## 15 Treatment of ethnic minority groups

For an overview of different ethnic groups please see [section 1.2](#) (linguistic, ethnic and religious groups) of this compilation.

The following articles of the Constitution of Pakistan provide for rights and protection to minorities:

“28 Preservation of language, script and culture. Subject to Article 251 any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose [...]

33 Parochial and other similar prejudices to be discouraged. The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens.

36 Protection of minorities. The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.” (Constitution of Pakistan, 1973, amended as of 7 January 2015, Articles 28, 33, 36)

Article 153A of the Pakistan Penal Code deals with penalties for promoting enmity between different groups:

“153A. Promoting enmity between different groups, etc. Whoever,—

(a) by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(b) commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes, or communities or any group of persons identifiable as such on any ground whatsoever and which disturbs or is likely to disturb public tranquility; or

(c) organizes, or incites any other person to organize, any exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, or participates, or incites any other person to participate, in any such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community or any group of persons identifiable as such on any ground

whatsoever and any such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment for a term which may extend to five years and with fine.

Explanation: It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different religious, racial, language or regional groups.” (Pakistan Penal Code, 1860, amended as of 24 March 2016, Sections 141-147)

In a state party report submitted to the Committee on the Elimination of Racial Discrimination (CERD) in November 2015, the government of Pakistan states that “Section 153-A of Pakistan Penal Code, 1860 [...] provides legal framework for ensuring inter-ethnic, inter religious and sectarian harmony” (Government of Pakistan, 26 November 2015, p. 11). The same report provides an assessment of the constitutional provisions in regard to minority and potentials of discrimination in the following terms:

“Article 36 of the Constitution of Pakistan uses the word ‘minority’ which encompasses all minorities, i.e., religious, ethnic, and linguistic. Similarly, Article 33 of the Constitution forbids any sort of discrimination among citizens on racial, parochial, tribal or sectarian grounds. Discrimination on the basis of ethnic diversification is not a relevant phenomenon in the Pakistani society. Furthermore there is no bar on any caste, creed, linguistic and ethnic group in respect of political participation at national, provincial or local level. [...]

Under Articles 20, 21, 22, 26, 27 and 28 of the Constitution of Pakistan, minorities are equal citizens of Pakistan and are free to profess their religion and visit their places of worship. We have a number of legislative measures and policies that translate constitutional principles into firm state action for promotion and protection of rights of minorities. Government has recently strengthened National Commission for Minorities (NCM) which works for the protection of minorities’ rights. The Commission comprises members representing all minority communities living in the country.” (Government of Pakistan, 26 November 2015, p. 10)

In a state party report submitted to the Committee on Economic, Social and Cultural Rights (CESCR) in February 2016, the government of Pakistan notes that it “has taken several steps for the development and welfare of minorities. In this regard, 5% job quota is allocated for the minorities in all government jobs, including the Central Superior Services (CSS), besides on open merit” (Government of Pakistan, 4 February 2016, p. 7).

In its report Freedom in the World 2016, Freedom House writes for the reporting period of 2015 that “[c]onstitutional guarantees of freedom of religion and protection of minorities have not provided effective checks to discriminatory legislation, social prejudice, and sectarian violence” (Freedom House, 27 January 2016). The Qatar-based Al Jazeera Center for Studies, a think tank extension of the Al Jazeera Network, writes in a report from June 2016 that “[i]n

addition to differences of religion, the fault lines of Pakistan's conflict are also drawn along ethnic lines" (Al Jazeera Center for Studies, 20 June 2016).

In its human rights report covering the year 2015, the US Department of State (USDOS) notes that "[s]ocietal discrimination against national, ethnic, and racial minorities persisted" (USDOS, 13 April 2016, executive summary). The same report provides the following overview of discrimination against the Hazara ethnic minority in Quetta, Balochistan, emphasising however a religious dimension of the discrimination of this Shi'a minority:

"Members of the Hazara ethnic minority, who are Shi'a, continued to face discrimination and threats of violence in Quetta, Balochistan. According to press reports and other sources, they were unable to move freely outside of Quetta's two Hazara-populated enclaves. Consumer goods in those enclaves were available only at inflated prices, and Hazaras reported an inability to find employment or pursue higher education. They also alleged government agencies discriminated against Hazaras in issuing identification cards and passports. To avoid sparking violent incidents, authorities confined Shi'a religious processions to the Hazara enclaves. Anti-Shi'a graffiti was common in Quetta. According to multiple media reports, assailants killed at least 16 persons in attacks against Hazara Shi'as during the year. Media reported that on July 6, gunmen killed two Hazaras and a police officer in front of a passport office in Quetta; on July 17, a suicide bomber attempting to enter a Hazara neighborhood in Quetta blew himself up, killing two; and on July 28, gunmen on a motorcycle killed two Hazaras in Quetta." (USDOS, 13 April 2016, section 6)

In its State of the World's Minorities and Indigenous Peoples 2016 report covering the year 2015, the human rights organisation Minority Rights Group International (MRG) states that "[p]articularly vulnerable to attack and with limited government protection are Pakistan's Shi'a Hazara, who suffer intersectional discrimination as a visible ethnic minority as well as for their faith" (MRG, July 2016, pp. 137-138). The report provides the following information:

"Living mostly in Quetta, Baluchistan, in recent years Hazara have increasingly been targeted by Sunni militant groups such as the LeJ and TTP. In late May, five members of the community in Quetta were killed in two separate shootings, followed by the deaths of five more Hazara in June. In early July two brothers were shot and killed when queuing at a passport office in Quetta." (MRG, July 2016, pp. 137-138)

Looking at ethnic tensions in cities, the above mentioned report published by the Al Jazeera Centre for Studies in June 2016 outlines that "[t]he widespread displacement of millions of people—a consequence of conflict and natural disaster as well as economic migration—has changed the ethnic make-up of Pakistani cities in recent years, and created new tension in many places" (Al Jazeera Center for Studies, 20 June 2016). The report further provides the following information about ethnic violence:

"Pakistan's ongoing religious and sectarian conflict overlaps with ethnically-motivated violence. Ethnic violence is largely rooted in the city of Karachi, one of

Pakistan's most diverse cities with migrant populations from across the country. A projection of population growth shows that 44 percent of Karachi's population in 2011 were Urdu speakers, many of whom identify as belonging to the Mohajir community, which originally relocated from India in 1947. The second-largest group comprised Punjabi and Seraiki speakers (17 percent), followed by Pashto speakers, suggesting membership in the Pashtun community." (Al Jazeera Centre for Studies, 20 June 2016)

The Pakistani newspaper Dawn provides the following information on the Mohajirs:

"The Mohajirs (Urdu-speakers) of Pakistan are largely settled in the Sindh province. In the province's capital, Karachi (that is also Pakistan's largest city), the Mohajirs have for long been a majority. Unlike the country's other major ethnic groups, Mohajirs are not 'people of the soil'. Their roots lie in areas that are outside of what today is Pakistan. A majority of them began arriving from cities and towns (especially from North Indian regions) after the division of India into two separate states in 1947." (Dawn, 20 April 2014)

Looking at the city of Karachi, the above cited report from the Al Jazeera Centre for Studies provides the following information:

"Ethnic conflict has dominated the city of Karachi since the 1980s, when clashes broke out between the Pashtun and Mohajir communities. This stemmed from a long-established sense of resentment against the central government over resources, resistance by older settlers to new waves of migrants, and long-established xenophobia.

Although the earliest clashes between these communities had criminal motives local politics increasingly became delineated on ethnic lines, particularly after the emergence of the Mohajir Qaumi Movement party (the MQM, now called the Muttahida Qaumi Movement), which sought to represent the interests of the Mohajir community. As such, Karachi's politics became a mix of ethnically-driven political parties, religious groups, and mainstream political groups, and has developed a distinctly militant nature. Political groups like the MQM trained armed forces and built strongholds in the neighborhoods where their constituencies reside." (Al Jazeera Centre for Studies, 20 June 2016)

The same report also states, however, that "many acts of intercommunal violence that appear ethnic or political in nature are merely a cover for commonplace criminal activity" (Al Jazeera Centre for Studies, 20 June 2016). It further elaborates, providing the following information:

"This is not to deny that genuine ethnic discord doesn't exist in Karachi or that armed groups haven't repeatedly targeted other groups on the basis of ethnicity during periods of political strife. But these conflicts are frequently connected to a different purpose. Apparent ethnic disputes—resulting in strikes, riots, and street battles—are often used by elements of these groups to wage turf wars." (Al Jazeera Centre for Studies, 20 June 2016)

According to the Pak Institute for Peace Studies (PIPS), violent ethno-political incidents in Karachi have been declining over the past years, the number of such incidents being 23 for the year 2015:

“Compared to 67 in previous year, 23 incidents of ethno-political violence took place in Karachi in 2015, which claimed 26 lives and injured five others. Among those killed in these incidents of targeted killing and clashes, by supporters and workers of rival political parties and groups, were members, leaders or supporters of the following political parties: Mutahidda Qaumi Movement, Mohajir Qaumi Movement (also known as MQMHaqiqi), Pakistan People’s Party, Jamaat-e-Islami, Sunni Tehreek, and Pakistan Muslim League-Nawaz (PML-N). [...] Overall, a decline in the number of incidents of ethno-political violence taking place in Karachi, which started in 2012, continued through 2013 and 2014, into 2015.” (PIPS, 5 January 2016, p. 24)

In its human rights report covering the year 2015, the USDOS writes the following on ethnic tensions in Karachi:

“Political, sectarian, criminal, and ethnic violence in Karachi continued, although violence declined and gang wars were less prevalent than before security operations in the city. Since 2005 natural disasters elsewhere in the country resulted in a large influx of citizens from different ethnic groups to Karachi, including Sindhi, Baloch, and Pashtun migrants, shifting the balance between political parties and the ethnic and sectarian groups they represented.” (USDOS, 13 April 2016, section 1g)

In its annual report covering the year 2014, Minority Rights Group International (MRG) also writes that “[w]ith Pashtuns now constituting the largest segment of new arrivals in Karachi, there is concern this could exacerbate tensions between the locally ruling Muttahida Qaumi Movement (MQM)” (MRG, 2 July 2015). The latest MRG report (covering the year 2015), does not mention Pashtuns arriving in Karachi (see MRG, July 2016).

Minority Rights Group International (MRG) includes Pashtuns in its 2016 information about people under threat stating that “Pashtun communities in Khyber Pakhtunkhwa and the Federally Administered Tribal Areas remain at risk from the continuing Taliban insurgency, both from military operations and from attacks on health workers (MRG, 2016).

Writing about ethnically-motivated violence in Balochistan, the report published by the Al Jazeera Centre for Studies from June 2016 states that “[e]thnic violence is also prevalent in the province of Balochistan, where Punjabi workers have been killed by what is widely cited as Baloch separatist groups fighting an insurgency against the Pakistani government” (Al Jazeera Centre for Studies, 20 June 2016). In its annual report titled the State of the World's Minorities and Indigenous Peoples, MRG also reports about the situation of Baloch separatists during the year 2015, providing the following information:

“Meanwhile, in the context of the continued separatist struggle in Baluchistan, disappearances, torture and extra-judicial killings of armed separatists and activists

by security forces reportedly continue, sustained by a climate of impunity. In April 2015, just after hosting a small panel discussion on Baluchistan's 'disappeared people', prominent Pakistan human rights activist Sabeen Mahmud was assassinated. Mahmud was the director of T2F café, an arts and social forum in Karachi." (MRG, July 2016, p. 39)

In an article from June 2016, BBC News writes the following about Balochistan:

"Balochistan is Pakistan's poorest and least developed province, and the military there has been accused of torture, kidnapping, and extrajudicial killing of separatists. Ethnic Baluch activists say the military has also greatly restricted freedom of movement." (BBC News, 30 June 2016)

The Central Asia-Caucasus Institute (CACI), which together with the Silk Road Studies Program constitutes an independent and privately funded Transatlantic Research and Policy Center, provides the following analysis of the situation with regard to Balochistan:

"Baluch alienation from the Pakistani state stems from three issues: Pakistan's failure to fulfill its pledge of meaningful autonomy to Baluchistan, its use of force against the Baluch people and the lack of development in the province. The province became part of Pakistan on the condition that it would be given maximum autonomy. However, successive federal governments tightened their grip on the province and decisions of importance to Baluch have been made in Islamabad, the political capital of Pakistan, or in Rawalpindi, where the military headquarters is located. Baluchistan's elected representatives are rarely consulted. This was the case, for instance, in 1998 when nuclear tests were carried out in Baluchistan's Chagai district.

Adding to the problem is Baluch anger with Islamabad's 'colonial exploitation' of Baluchistan i.e. its extraction of the province's rich resources to benefit the rest of Pakistan rather than the local population. In fact, Baluchistan's gas fields hold three-fourths of Pakistan's estimated 25.1 trillion cubic feet of proven gas reserves. Whereas commercial exploitation of the Sui gas reserves began in 1954 and its fruits were first enjoyed by Punjab province, Pakistan's politically most powerful and richest province, it took over 30 years for the gas to reach Quetta, Baluchistan's capital. Baluch nationalists point out that while draining out Baluchistan's resources, Islamabad has ignored its development. Not only is Baluchistan the worst off among Pakistan's provinces, but also the few infrastructure projects initiated in recent decades tended to benefit 'outsiders' i.e. non-Baluch rather than locals." (CACI, 16 January 2016)

### *Afghan refugees*

In its report about minorities and indigenous people, Minority Rights Group International (MRG) notes the following on Afghan refugees in Pakistan as a minority group:

“Other groups besides religious minorities also experienced discrimination in Pakistan in 2015. Afghan refugees, many of whom have been living in the country for decades, saw their situation worsen following the introduction of the NAP [National Action Plan against terrorism], with harsher limits on legal residency encouraging greater levels of police harassment and extortion.” (MRG, July 2016)

UN OCHA points out that there are over 1.5 million registered Afghan refugees and approximately one million undocumented Afghans in Pakistan who face very challenging living conditions in the country:

“Approximately 64 per cent of registered Afghan refugees are children and youth, and are the second or third generation born in Pakistan. Seventy per cent of the 662,450 school-aged Afghan refugee children are not enrolled in formal education. There is no formal framework that allows for the enrollment of refugee children in the national education system. Refugee children have restricted access to primary and secondary schools. An estimated 90 per cent of girls and 80 per cent of boys drop out by grade 3, with few progressing to secondary. Afghan refugees experience challenges accessing quality health care, especially in remote locations, due to low coverage of mother and child health care services. Urban refugees have no specific health services but instead rely on Government health facilities.” (UN OCHA, 31 January 2016, pp. 3-4)

A July 2016 press release by Human Rights Watch (HRW) about threats to Afghan refugees in Pakistan provides the following information on Afghans as a minority:

“Those populations include many who fled conflict and repression in Afghanistan during the late 1970s and early 1980s, as well as their descendants. Some arrived as children, grew up in Pakistan, married, and had children of their own who have never lived in Afghanistan. Others have arrived in the decades of turmoil in Afghanistan since, seeking security, employment, and a higher standard of living.” (HRW, 1 July 2016)

In its human rights report covering the year 2015, the USDOS reports that “[a] 2013 cabinet decision extended the validity of the PoR [Proof of Registration] cards - official documents held by registered refugees that allowed them to remain legally in the country - until December 31”. The same report notes that these PoR cards were “provisionally extended at the end of the year [2015]” (USDOS, 13 April 2016, section 2d). The above cited press release from HRW from July 2016 mentions that on 29 June 2016 the government extended registered Afghan refugees’ PoR cards until the end of 2016 (HRW, 1 July 2016). HRW calls on the government to protect Afghan refugees by further extending their legal residency status:

“The Pakistani government should reduce rights violations against Afghan refugees by extending their legal residency status until at least December 31, 2017, Human Rights Watch said today. [...] Pakistan is host to 1.5 million PoR card holders, the world’s second-largest protracted refugee population in a single country [...]. In addition, according to Pakistani government estimates, one million undocumented Afghans are living in Pakistan.” (HRW, 1 July 2016)

In a report about police abuse against Afghans in Pakistan from November 2015, HRW reports that Afghans living in Pakistan are facing an increasingly hostile environment:

“Hostility towards Afghans living in Pakistan is not new, but it increased dramatically after the so-called Pakistani Taliban, Tehreek-i-Taliban Pakistan, attacked the Army Public School in Peshawar on December 16, 2014, killing 145 people, including 132 children. Since then, Pakistani police have carried out raids on Afghan settlements, detained, harassed, and beaten Afghan men, extorted bribes, and demolished Afghan homes. Every Afghan interviewed by Human Rights Watch who had returned to Afghanistan said that fear of the police was the reason they had done so. Afghans remaining in Pakistan described a repeated pattern of arbitrary detention, extortion, and intimidation. Both registered and undocumented Afghans have been the victims of Pakistani police abuse.” (HRW, November 2015)

The International Crisis Group (ICG), a non-governmental organisation committed to conflict resolution also reports that the governmental anti-terrorism policy formulated in the National Action Plan against terrorism “implicitly scapegoats” Afghan refugees “for the spread of crime and militancy that has weakened the state’s writ in FATA and KPK” (ICG, 22 July 2015, p. 6).

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